

  
**Haines Borough**  
**Borough Assembly Meeting #266**  
**AGENDA**

**March 25, 2014 - 6:30 p.m.**

**Location: Lobby, Chilkat Center for the Arts**

**Stephanie Scott,**  
Mayor

**Dave Berry Jr.,**  
Assembly Member

**Diana Lapham,**  
Assembly Member

**Debra Schnabel,**  
Assembly Member

**Joanne Waterman,**  
Assembly Member

**George Campbell,**  
Assembly Member

**Jerry Lapp,**  
Assembly Member

**David Sosa,**  
Borough Manager

**Julie Cozzi,**  
Interim Manager

**Michelle Webb,**  
Interim Clerk

**1. CALL TO ORDER/PLEDGE TO THE FLAG**

**2. ROLL CALL**

**3. APPROVAL OF AGENDA & CONSENT AGENDA**

*[The following Consent Agenda items are indicated by an asterisk (\*) and will be enacted by the motion to approve the agenda. There will be no separate discussion of these items unless an assembly member or other person so requests, in which event the asterisk will be removed and that item will be considered by the assembly on the regular agenda.]*

Consent Agenda:

- 4 – Approve of Minutes
- 6B – Request from Alaska Arts Confluence
- 8B – Chilkat Center Advisory Board Report
- 8C – Library Director Report
- 9A – Library Board Minutes
- 9B – Riverview Road Maintenance Service Area Minutes
- 9C – Planning Commission Minutes
- 9D1 – Commerce Committee Report
- 11A2 – Adoption of Resolution 14-03-546
- 11B2 – Introduction of Ordinance 14-03-372
- 11C1 – Board Appointments
- 11C2 – Amend Previously Adopted Resolution 12-06-367
- 12A – Request for Letter of Support from Chilkat Indian Village
- 12B – Request for Letter of Support from Takshanuk Watershed Council
- 12C – Report from Southeast Conference

*It is strongly recommended Resolution 14-03-544 regarding Special Ski Event (Item 10A) be moved above item 7A.*

**\*4. APPROVAL OF MINUTES – 3/11/14 Regular Meeting**

**5. PUBLIC COMMENTS [Any topics not scheduled for public hearing]**

**6. MAYOR'S COMMENTS/REPORT**

**A. Additional Information from the APC (AP&T) Intervention**

**\*B. Request from Alaska Arts Confluence to Appoint Liaison**

**7. PUBLIC HEARINGS**

**A. Ordinance 14-01-364 – Second Public Hearing**

**An Ordinance of the Haines Borough amending Haines Borough Code Title 2 Section 2.62.030 to allow an assembly approved exception to the contract or sale limit to a borough officer or employee.**

*This ordinance is recommended by the director of public facilities. It was introduced on 1/14/14 and referred to Government Affairs and Services (GAS), which met on 2/11. GAS approved of this ordinance, and on 2/25/14 the assembly set it for a first public hearing on 3/11/14. The ordinance was heard on 3/12/14. **Motion:** Adopt Ordinance 14-01-364.*

**B. Ordinance 14-03-371 - First Public Hearing**

**An Ordinance of the Haines Borough amending Borough Code Title 5 Subsection 5.04.130(A), Section 5.18.030, Chapter 5.20, and Section 5.22.010 to repeal commercial passenger vehicle permitting.**

*This ordinance is recommended by the commerce committee. This ordinance was introduced on 3/14/14. Clerk's Note: The definition for "Unique Classic Vehicle" has not been included and needs to be addressed. **Motion:** Advance Ordinance 14-03-371 to a second public hearing on 4/8/14.*

## 8. STAFF/FACILITY REPORTS

A. Interim Borough Manager – 3/25/14 Report

\*B. Chilkat Center Advisory Board – Staff Report of February 2014

\*C. Library Director – Staff Report of 2/18/2014

## 9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

\*A. Library Board – Minutes of 1/15/14 Meeting

\*B. Riverview Road Maintenance Service Area – Minutes of 8/12/13 & 3/6/14 Meetings

\*C. Planning Commission – Minutes of 2/13/14 Meeting

D. Assembly Standing Committee Reports

\*1. Commerce Committee – Report of 3/11/14 Meeting

## 10. UNFINISHED BUSINESS

A. **Reconsideration of Resolution 14-03-544**, as amended

A Resolution of the Haines Borough Assembly approving the temporary addition of territory to the Commercial Ski Tour Areas map to allow for a 2014 special ski competition event.

*This resolution was written by the interim manager. During the 3/11/14 meeting the vote for this resolution tied, and failed with the mayor voting against. Then, after the overnight recess, the vote was reconsidered. This resolution was then further amended and postponed to 3/25.*

**Motion:** Adopt Resolution 14-03-544, as amended.

B. **Resolution 14-03-539**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with APC Equipment & Manufacturing in the amount of \$12,495 for the purchase and delivery of a dump trailer for the Ports and Harbors Department.

*This resolution is recommended by the harbormaster. It was postponed at the 3/11/14 meeting.* **Motion:** Adopt Resolution 14-03-539.

## 11. NEW BUSINESS

A. Resolutions

1. **Resolution 14-03-545**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a "preferential use agreement" with Haines-Skagway Fast Ferry, LLC for the 2014 summer tourism season.

*This resolution is recommended by the tourism director and harbormaster.* **Motion:** Adopt Resolution 14-03-545.

\*2. **Resolution 14-03-546**

A Resolution of the Haines Borough Assembly authorizing \$15,000 matching funds to be given to Alaska State Parks to further the development of Battery Point Trail.

*This resolution is recommended by the parks and recreation advisory committee.* **Motion:** Adopt Resolution 14-03-546.

B. Ordinances for Introduction

1. **Ordinance 14-02-370**

An Ordinance of the Haines Borough amending Haines Borough Code Title 3 to remove Haines Senior Assisted Living Inc. Property from the list of community purpose exemptions because it has been determined to be a required exemption under HBC 3.70.030(A)(3).

*This ordinance is recommended by the interim borough manager, the contract assessor, and the assistant assessor.* **Motion:** Introduce Ordinance 14-02-370 and set a first public hearing on 4/8/14.

\*2. **Ordinance 14-03-372**

An Ordinance of the Haines Borough amending Borough Code Title 3 section 3.60.080 to update the Borough Manager's purchasing authorization limits.

*This ordinance is recommended by the finance committee, the manager, and the finance director.* **Motion:** Introduce Ordinance 14-03-372 and set a first public hearing for 4/8/14.

11. NEW BUSINESS ---continued---

C. Other New Business

**\*1. Board Appointments**

*An appointment application has been received for a seat on the Riverview Road Maintenance Service Area Board. The mayor plans to make an appointment and seeks assembly confirmation. **Motion:** Confirm the mayor's appointment of Scott Visscher to the Riverview Road Maintenance Service Area Board for a term ending 11/2016.*

**\*2. Amend a Previously Adopted Resolution - 12-06-367 (Comerford Lease)**

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to lease an easement within a borough-owned Right of Way to ~~the Estate of Richard M. Comerford~~ Thomas and Dena Selby.**

*On 6/12/2012, the assembly adopted Resolution 12-06-367 authorizing the borough manager to enter into an easement lease with the Estate of Richard Comerford. Before that lease was executed, the property was sold to Thomas and Dena Selby, and the lease entered into a period of limbo. The interim manager's recommendation is for the assembly to amend this resolution to reflect the new owners. **Motion:** Amend Resolution 12-06-367 as proposed by the interim manager to reflect current property ownership.*

**3. Adoption of Findings of Fact and Conclusions of Law**

*The assembly's vote on the draft findings is not an opportunity to change the outcome of the assembly's CUP action but does formalize the reasons for that decision.*

**Motion:** Adopt the Findings of Fact and Conclusions of Law as drafted by the borough attorney for the Big Salmon Ventures heliport Conditional Use Permit.

12. CORRESPONDENCE/REQUESTS

**\*A. Request for Letter of Support - Chilkat Indian Village**

**Motion:** Authorize Mayor Scott to complete and send the attached draft letter of support for the Chilkat Indian Village Jilkaat Kwaan Cultural Heritage Center Project.

**\*B. Request for Letter of Support – Takshanuk Watershed Council**

**Motion:** Authorize Mayor Scott to complete and send the attached letter of support for the Takshanuk Watershed Council grant request.

**\*C. Report from Assembly Member Schnabel from Southeast Conference**

**D. Request for Comment – Department of Natural Resources regarding Five Year Forest Management Plan**

*Note from Clerk: This document is pending from the Parks and Recreation Advisory Board. However, the full plan can be found at <http://forestry.alaska.gov/management/hainesplan.htm>.*

**E. Request for Funding – Southeast Senior Services**

*The Mayor asked that this request be included for informational purposes.*

**F. Request for Letter of Support – House Bill 77**

**Motion:** Authorize Mayor Scott to send a letter of support for House Bill 77 as requested by Southeast Conference.

**G. Request for Comment - Reciprocal Fishing License (HB 368)**

*This item was provided by Mayor Scott upon request of Rep. Jonathan Kreiss-Tomkins.*

13. SET MEETING DATES

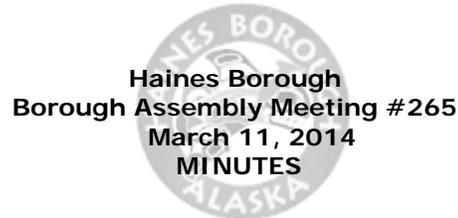
**A. Joint Planning Commission and Borough Assembly Meeting – Recommended for May 7<sup>th</sup>**

**B. Budget Committee-of-the-Whole Dates**

14. PUBLIC COMMENTS

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

16. ADJOURNMENT



**Draft**

1. **CALL TO ORDER/PLEDGE TO THE FLAG**: Mayor **SCOTT** called the meeting to order at 6:30pm in the Assembly Chambers and led the pledge to the flag.

2. **ROLL CALL**

**Present:** Mayor Stephanie **SCOTT**, and Assembly Members Jerry **LAPP**, Debra **SCHNABEL**, Dave **BERRY**, George **CAMPBELL**, Diana **LAPHAM**, and Joanne **WATERMAN**.

**Staff Present:** Julie **COZZI**/Interim Borough Manager, Michelle **WEBB**/Interim Clerk, Krista **KIELSMEIER**/Administrative Assistant, Carlos **JIMENEZ**/Director of Public Facilities, Darsie **CULBECK**/Executive Assistant, Jila **STUART**/Finance Director, Ed **BRYANT**/Maintenance, Tanya **CARLSON**/Tourism Director, Bill **MUSSER**/Police Chief, Brooks **CHANDLER**/Borough Attorney, Eddie **BRYANT**, and others.

**Visitors Present:** Tom **MORPHET**/CVN, Tara **BICKNELL**/KHNS, Joe **PARNELL**, Royce **DOMBROCK**, John **WENGE**, Andy **HEDDEN**, Nick **TRIMBLE**, Joe **ORDONEZ**, Dave **PAUL**, Scott **VISSCHER**, Lindsey **JOHNSON**, Laurie **DADOURIAN**, Erik **HOLLE**, Sally **BOISVERT**, Patty **KERMOIAN**, Debra **VOGT**, Chris **NEGY**, Mark **BATTAION**, Katey **PALMER**, Jeffery **MOSKOWITZ**, Duck **HESS**, Gary **HESS**, Ben **KIRKPATRICK**, Heidi **RIOBICHOU**, Kip **KERMOIAN**, Ann **FOSSMAN**, Lani **HOTCH**, Jones **HOTCH**, Jerry **ERNEY**, Tim **THOMAS**, Scott **SUNDBERG**, Randy **CONRAD**, Mike **KINISON**, Shawna **KINISON**, Rebecca **HUNT**, Nicholas **SZATKOWSKI**, Jessica **PLACHTA**, Mario **BENASSI**, Shawn **McNAMARA**, and Patty **KERMOIAN**, and others.

3. **APPROVAL OF AGENDA & CONSENT AGENDA**

The following Items were on the published consent agenda:

Consent Agenda:

- 4 – Approval of Minutes
- 8B – Fire Department Report
- 9A – Tourism Advisory Board Report/Correspondence
- 9B – Sheldon Museum and Cultural Center Minutes
- 9C1 – Commerce Committee Report
- 11A1 – Adoption of Resolution 14-03-539
- 11A2 – Adoption of Resolution 14-03-540
- 11A3 – Adoption of Resolution 14-03-541
- 11A4 – Adoption of Resolution 14-03-542
- 11A5 – Adoption of Resolution 14-03-543
- 11A6 – Adoption of Resolution 14-03-544
- 11B1 – Introduction of Ordinance 14-03-371
- 11C1 – Board Appointments
- 12B – Juneau Access Letter from Mayor
- 12C – Loewen Letter re: Wood Sheds

**Motion:** **WATERMAN** moved to “have items 11A1, 11A2, and 11A4 removed from the consent agenda.” Also, item 11A6 was moved to the top of the agenda after the mayor’s report. The agenda and consent agenda was unanimously approved, as amended.

\* 4. **APPROVAL OF MINUTES** – 2/25/14 Regular Meeting

5. **PUBLIC COMMENTS** [Any topics not scheduled for public hearing]

**PARNELL**, **WENGE**, and **MORPHET** spoke during public comments

6. **MAYOR’S COMMENTS/REPORT**

A. **Formal Oath of Office** – Chief of Police **Bill Musser**

## 7. PUBLIC HEARINGS

### A. New Commercial Tour Permit – Haines Rafting Company

Mayor **SCOTT** opened the public hearing at 7:48pm.

The following people stated their concerns against issuing the permit: L. **HOTCH** and J. **HOTCH**.

**HEDDEN** (the applicant) spoke for the permit: .

Mayor **SCOTT** closed the public hearing at 7:54pm.

**Motion:** **CAMPBELL** moved to “authorize the interim borough clerk to process the Haines Rafting Company application, and if everything is in order, issue a 2014 commercial tour permit.” The motion carried 5-1 with **WATERMAN** opposed.

### B. New Commercial Tour Permit - Rainbow Glacier Adventures

Mayor **SCOTT** opened the public hearing at 8:04pm.

The following people stated their concerns against issuing the permit: **TRIMBEL**, L. **HOTCH**, and **PAUL**.

The following people spoke for issuing the permit: **ORDONEZ** (the applicant), **ERNY**, and **VISSCHER**.

Mayor **SCOTT** closed the public hearing at 8:17pm.

**Motion:** **LAPP** moved to “authorize the interim borough clerk to process the Rainbow Glacier Adventures application, and if everything is in order, issue a 2014 commercial tour permit. The motion was amended to “remove Map 4 dealing with Mosquito Lake and Slough per the request of the operator.” The motion, as amended, carried 5-1 with **WATERMAN** opposed.

*A seven-minute break was given.*

### C. Appeal of Planning Commission Decision – Big Salmon Ventures LLC Heliport Conditional Use Permit

Mayor **SCOTT** opened the public hearing at 8:27pm.

The following people stated their concerns against issuing the permit: M. **KINISON**, **HUNT**, **SZATKOWSKI**, **PLACHTA**, **BOISVERT**, **VOGT**, **VISSCHER**, **NEGY**, S. **KINISON**, **BENASSI**, and P. **KERMOIAN**.

The following people spoke for the permit: **McNAMARA** and **DOMBROCK**.

**SUNDBURG** and **TRIMBLE** were the representatives of the appellant and **COZZI** spoke on behalf of staff and the administration. **GOLDBERG** spoke on the behalf of the Planning Commission.

**Motion:** **LAPHAM** moved to “continue the meeting through the end of this agenda item and discuss the rest of items at that time,” and the motion carried with **BERRY** opposed.

Mayor **SCOTT** closed the public hearing at 9:37pm.

**Motion:** **LAPHAM** moved to “deliberate in public,” and there was no objection to the motion.

**Motion:** **WATERMAN** moved to “confirm the planning commission’s decision not to approve the conditional use permit at this time, as she didn’t believe that Big Salmon Ventures showed the burden of proof that the planning commission erred.” It died from a lack of second.

**Motion:** **CAMPBELL** moved to “overturn the planning commission’s decision to deny the conditional use permit; that the planning commission erred as the planning commission ignored the information given to them by their own commissioners.”

*A five-minute break was given.*

**Motion:** **SCHNABEL** moved to amend the motion to “overturn the planning commission’s decision to deny the conditional use permit because the planning commission erred as the planning commission gave undue weight to considerations of noise.” The permit was further amended to have the following conditions: “no Bell 212 helicopters at the site”, “that only one company can use the site”, “the hours be limited to 8am to 6pm”

and the other conditions as listed in the application. The motion, as amended, carried 5-1 with **WATERMAN** opposed.

*NOTE: The following amendment motions failed:*

**Motion:** **WATERMAN** moved to amend the motion to state "that only one company is allowed to use the site and the operation can only be between 8:30am to 4:30pm with continual noise monitoring." This motion failed with **BERRY, LAPHAM, CAMPBELL, and LAPP** opposed.

**Motion:** **SCHNABEL** moved to amend the motion to read "conditional on the construction and operation of a lodge proposed by Big Salmon Ventures, no operation until the lodge is built." The motion died from a lack of a second.

**Motion:** **CAMPBELL** moved to amend the motion to "limit the conditional use permit to end on May 7th, 2014." This motion died from lack of a second.

**Motion:** **SCHNABEL** moved "that the Haines Borough design a test to find the facts to know the impact of a heliport at the Big Salmon Ventures' proposed conditional use permit heliport site; that the frame work of the test be outlined in 10 days by Southeast Alaska Backcountry Adventures and staff for testing and monitoring." This motion was successfully reconsidered and withdrawn.

*At 11:57pm, due to the restriction in Haines Borough Charter Section 18.03 (C), the assembly was requested to recess before midnight.*

**Motion:** **WATERMAN** moved to "recess until 6:30pm tomorrow night, 3/12/14." The motion carried unanimously.

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**Haines Borough  
Borough Assembly Meeting #265, continued  
March 12, 2014**

**CALL TO ORDER/PLEDGE TO THE FLAG:** Mayor **SCOTT** called the meeting to order at 6:30pm in the Assembly Chambers and led the pledge to the flag.

**ROLL CALL**

**Present:** Mayor Stephanie **SCOTT**, and Assembly Members Jerry **LAPP**, Dave **BERRY**, George **CAMPBELL**, Diana **LAPHAM**, and Joanne **WATERMAN**. Debra **SCHNABEL** participated by phone.

**Staff Present:** Julie **COZZI**/Interim Borough Manager, Michelle **WEBB**/Interim Clerk, Carlos **JIMENEZ**/Director of Public Facilities, Jila **STUART**/Finance Director, Ed **BRYANT**/Maintenance, Bill **MUSSER**/Police Chief, and others.

**Visitors Present:** Tom **MORPHET**/CVN, Tara **BICKNELL**/KHNS, Joe **PARNELL**, and Royce **DOMBROCK**.

**7. PUBLIC HEARINGS --- continued**

**D. Ordinance 14-02-367– Second Public Hearing**

**An Ordinance of the Haines Borough amending Haines Borough Code Title 2 Section 2.10.040 to modify assembly meeting minutes procedures.**

Mayor **SCOTT** opened the public hearing at 6:31pm.

During the public hearing the following people stated their concerns against the ordinance: **MORPHET** with the Chilkat Valley News and **BICKNELL** with KHNS Public Radio.

Mayor **SCOTT** closed the public hearing at 6:34pm. There were no other public comments.

**Motion:** **LAPP** moved to "adopt Ordinance 14-02-367." The motion carried unanimously.

**E. Ordinance 14-02-368 – Second Public Hearing**

**An Ordinance of the Haines Borough amending Haines Borough Code Chapter 10.34 to authorize the use of ATVs on streets and highways within the borough and allowing use of snow machines on highway shoulders within the borough.**

Mayor **SCOTT** opened the public hearing at 6:31pm.

During the public hearing the following people spoke for of the ordinance: **DOMBROCK**. There were no other public comments.

Mayor **SCOTT** closed the public hearing at 6:34pm.

**Motion:** **BERRY** moved to "adopt Ordinance 14-02-368." The motion, was amended to remove "highway shoulders within the borough" and replace it with "highway and streets owned by the borough" in the title of the ordinance; to remove section 10.34.007 Off-highway vehicle use permitted for snow removal purposes; and to adopt all amendments recommended by Chief Bill Musser as included in the packet. The motion, as amended, carried unanimously.

**F. Ordinance 14-02-369** – Second Public Hearing

**An Ordinance of the Haines Borough amending Haines Borough Code Title 18 Section 18.30.050 appeals to the commission to conform to the requirements of filing an appeal.**

Mayor **SCOTT** opened and closed the public hearing at 7:06pm. There were no public comments.

**Motion:** **BERRY** moved to "adopt Ordinance 14-02-369," and the motion carried unanimously

**G. Ordinance 13-10-352** – Second Public Hearing

**An Ordinance of the Haines Borough amending Haines Borough Code Title 13 to revise and clarify water and sewer service procedures.**

Mayor **SCOTT** opened and closed the public hearing at 7:09pm. There were no public comments.

**Motion:** **BERRY** moved to "adopt Ordinance 13-10-352." The motion carried 5-1 with **SCHNABEL** opposed.

**H. Ordinance 14-01-364** – First Public Hearing

**An Ordinance of the Haines Borough amending Haines Borough Code Title 2 Section 2.62.030 to allow an assembly approved exception to the contract or sale limit to a borough officer or employee.**

Mayor **SCOTT** opened and closed the public hearing at 7:13pm. There were no public comments.

**Motion:** **CAMPBELL** moved to "advance Ordinance 14-01-364 to a second public hearing on 3/25/14." The motion carried unanimously.

**8. STAFF/FACILITY REPORTS**

**A. Interim Borough Manager** – *3/11/14 Report*

**\*B. Fire Department** – *Staff Report of February 2014*

**9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES**

**\*A. Tourism Advisory Board** – *Email Report/Correspondence of 2/28/14*

**\*B. Sheldon Museum and Cultural Center** – *Minutes of 2/14/14 Meeting*

**C. Assembly Standing Committee Reports**

**\*1. Commerce Committee** – *Report of 2/26/14 Meeting*

**Motion:** **SCHNABEL** moved that "**SCOTT** communicate with The Mental Health Trust (to keep communications open)." There was no objection, and the motion carried.

**10. UNFINISHED BUSINESS** - None

**11. NEW BUSINESS**

**A. Resolutions**

**1. Resolution 14-03-539**

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with APC Equipment & Manufacturing in the amount of \$12,495 for the purchase and delivery of a dump trailer for the Ports and Harbors Department.**

There were no public comments.

**Motion:** LAPP moved to "adopt Resolution 14-03-539."

**Motion:** LAPHAM moved to "postpone this resolution to the 3/25/14 meeting." The motion carried 4-2 with CAMPBELL and SCHNABEL opposed. *This motion superseded the previous motion.*

**2. Resolution 14-03-540**

**A Resolution of the Haines Borough Assembly accepting a 2014 Southeast Alaska Chinook Salmon Mitigation Infrastructure Grant in the amount of \$31,500 for the purpose of Haines Borough Harbors Fish Waste Disposal and authorizing the Borough Manager to enter into a grant agreement with the Department of Commerce, Community, and Economic Development.**

There were no public comments.

**Motion:** BERRY moved to "adopt Resolution 14-03-540." The motion carried 5-1 with CAMPBELL opposed.

**\* 3. Resolution 14-03-541**

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with Carson Dorn, Inc. for an amount not to exceed \$20,000 for Allen Road Water Design.**

*The motion adopted by approval of the consent agenda: "adopt Resolution 14-03-541."*

**4. Resolution 14-03-542**

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with PND Engineers, Inc. for an amount not to exceed \$1,719,515 for phase one engineering services for South Portage Cove Harbor Expansion – Concept No. 14.**

There were no public comments.

**Motion:** LAPP moved to "adopt Resolution 14-03-542." The motion carried 4-2 with CAMPBELL and SCHNABEL opposed.

**Motion:** BERRY moved to "request very strongly that the administration provide possible operation costs and revenues for the harbor expansion." The motion carried 5-1 with CAMPBELL opposed.

**\* 5. Resolution 14-03-543**

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with PND Engineers, Inc. for an amount not to exceed \$17,330 for Third Avenue street improvements final design and bid phase services.**

*The motion adopted by approval of the consent agenda: "adopt Resolution 14-03-543."*

**6. Resolution 14-03-544** (Note: This agenda item was moved up to follow Item 6, the mayor's report during approval of the agenda.)

**A Resolution of the Haines Borough Assembly approving the temporary addition of territory to the Commercial Ski Tour Areas map to allow for a 2014 special ski competition event.**

During public comment, the following people spoke against the resolution: JOHNSON, DADOURIAN, BOISVERT, KERMOIAN, VOGT, NEGY, BATTAIAN, PALMER, D. HESS, G. HESS, KIRKPATRICK, RIOBICHOU, KERMOIAN, FOSSMAN, L. HOTCH, J. HOTCH, and CONRAD.

The following people spoke for the resolution: HOLLE for Lynn Canal Conservation, MOSKOWITZ, ERNEY, THOMAS, and SUNDBERG.

**Motion:** CAMPBELL moved to "adopt Resolution 14-03-544," and the motion was amended to: delete "involving a photo contest" in 1<sup>st</sup> paragraph, in the 4th paragraph strike the language "based on a desire to protect wildlife and cultural resources in those particular areas", and amend the proposal's dates to "March 21 through April 10<sup>th</sup>." The main motion, as amended, failed with Mayor SCOTT breaking the tie in the negative.

*The following amendment motion also failed.*

**Motion:** CAMPBELL moved to amend the motion to change "the dates of March 15<sup>th</sup> through April 10<sup>th</sup>." This amendment failed 3-4 with BERRY, SCHNABEL, and WATERMAN opposed and Mayor SCOTT breaking the tie in the negative.

## B. Ordinances for Introduction

### \* 1. Ordinance 14-03-371

An Ordinance of the Haines Borough amending Borough Code Title 5 Subsection 5.04.130(A), Section 5.18.030, Chapter 5.20, and Section 5.22.010 to repeal commercial passenger vehicle permitting.

*The motion adopted by approval of the consent agenda: "introduce Ordinance 14-03-371 and set a first public hearing for 3/25/14."*

## C. Other New Business

### \* 1. Board Appointments

*The motion adopted by approval of the consent agenda: "confirm the mayor's appointment of Karen Hess and Barbara Mulford to the Tourism Advisory Board for a term ending 11/2016 and Keith Brooks to the Fire Service Area #3 Board for a term ending 11/2016."*

## 12. CORRESPONDENCE/REQUESTS

### A. Assembly Member Campbell Email - Manager's Letter to Gov. Parnell regarding House Bill 1

There was no discussion.

### \* B. Letter from Mayor Scott - Juneau Access Project

### \* C. Loewen Letter – Wood Shed Taxation

## 13. SET MEETING DATES

A. **Governmental Affairs and Services Committee** – postponed to April - Request to develop a policy allowing exemptions and/or deferral to participate in LIDs from their 1/9/14 recommendation.

B. **Committee-of-the-Whole** – 3/25/14 at 5pm - Election Reform Ordinance

C. **Committee-of-the-Whole** – 4/29/14 at 5:30pm - Local Legislative Priorities continued

D. **Commerce Committee** – 3/24/14 at 5pm - Analysis of the Haines Waste Management Survey

E. **Personnel Committee** was suggested to hear the grievance of Mr. Parnell, but a meeting was not scheduled because this matter is not under the purview of the assembly.

**Motion:** SCHNABEL moved to "have Mr. Joe Parnell receive a letter directly from the mayor, explaining our inability to address this issue." The motion carried unanimously.

## 14. PUBLIC COMMENTS

DOMBROCK, BRYANT, STUART, and PARNELL spoke during public comments.

## 15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

During announcements/assembly comments LAPHAM and BERRY spoke.

**Motion:** BERRY moved to "reconsider his vote on Resolution 14-03-544." The motion to reconsider carried 4-2 with WATERMAN and SCHNABEL opposed. This returned the motion to adopt amended Resolution 14-03-544 to the table. *Note: see Item 11A6.*

**Motion:** SCHNABEL moved to "postpone this item of business to 3/25/14." The motion failed unanimously.

**Primary Amendment:** CAMPBELL moved to "amend the proposal's dates to "March 21 through April 10." The amendment motion carried 5-1 with WATERMAN opposed.

**Motion:** WATERMAN moved to "postpone this item to 3/17/14," and it was amended to change the date to 3/25/14. The motion, as amended, carried 4-2 with WATERMAN and CAMPBELL opposed.

*Clerk's Note: At the 3/25/15 meeting, the main motion to be considered will be:*

*"Adopt Resolution 14-03-544 with the following approved amendments:*

1. Delete "involving a photo contest" in the first paragraph,
2. Strike in the fourth paragraph the language "based on a desire to protect wildlife and cultural resources in those particular areas,"
3. Change the proposal's dates to "March 21 through April 10.
4. Only allow area 21 (striking areas 1 & 2) for the special ski event.

During further comments, **LAPP** and **CAMPBELL** spoke.

**16. ADJOURNMENT – 9:38pm**

**Motion:** **LAPP** moved to “adjourn the meeting,” and the motion carried unanimously.

ATTEST:

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Stephanie Scott, Mayor

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Michelle Webb, Interim Borough Clerk

STATE OF ALASKA  
THE REGULATORY COMMISSION OF ALASKA

Before Commissioners:

T.W. Patch, Chairman  
Paul F. Lisankie  
Robert M. Pickett  
Norman Rokeberg  
Janis W. Wilson

In the Matter of the Tariff Revision Designated as )  
TA835-2 Filed by ALASKA POWER COMPANY ) U-14-002  
for an Interim and Permanent Rate Increase )  
\_\_\_\_\_ )

**HAINES BOROUGH'S JOINDER TO ATTORNEY GENERAL'S  
MOTION FOR ADOPTION OF A PROCEDURAL SCHEDULE AND TO  
EXTEND STATUTORY DEADLINE**

The Haines Borough, by and through its attorneys of record, hereby joins in the Attorney General's *Motion for Adoption of a Procedural Schedule and to Extend Statutory Deadline*. The Borough and counsel have reviewed the Attorney General's proposed schedule and have no conflicts which would prevent full participation in a docket adopting the schedule. The Borough therefore requests the Commission adopt a procedural schedule in substantially similar form.

The Borough agrees that any adopted schedule should extend the statutory deadline for issuing a final order by up to 90 days in order to accommodate the scheduling needs of the parties. AS 42.05.175(f) permits the Commission to extend the timeline if the

- (1) [C]ommission reasonably finds that good cause exists to extend the timeline;
- (2) commission issues a written order extending the timeline and setting out its findings regarding good cause; and

HAINES BOROUGH'S JOINDER TO ATTORNEY GENERAL'S MOTION FOR ADOPTION OF A  
PROCEDURE SCHEDULE AND TO EXTEND STATUTORY DEADLINE

March 7, 2014

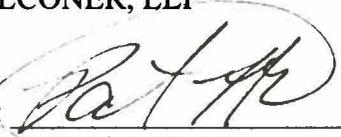
Page 1 of 3

(3) extension of time is 90 days or less.

Because the requested extension is 90 days or less and the Commission will grant or deny the extension in writing, all that remains is for the Commission to find that good cause exists to extend the timeline. The Attorney General has articulated the reasons why failing to grant the extension would cause it prejudice, and by extension, all the consumers it represents. Any possible prejudice to APC is minimal or nonexistent because it already benefits from an interim rate increase, and will continue to so benefit during the requested brief extension. Therefore, APC will at worst continue to receive revenue based on the already increased interim rate for an additional 90 days if the Attorney General's motion is granted. Although APC views that as a hardship rather than a benefit, such a minor impact on cashflow cannot possibly justify knowingly creating prejudice or hardship on other parties by failing to grant the motion to extend the deadline. The motion should therefore be granted and a schedule adopted which includes up to 90 additional days beyond the statutory deadline.

Dated this 7<sup>th</sup> day of March, 2014.

BOYD, CHANDLER &  
FALCONER, LLP

By: 

Patrick W. Munson  
AK Bar No. 1205019

BOYD, CHANDLER & FALCONER, LLP  
ATTORNEYS AT LAW  
911 WEST EIGHTH AVENUE, SUITE 302  
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HAINES BOROUGH'S JOINDER TO ATTORNEY GENERAL'S MOTION FOR ADOPTION OF A  
PROCEDURE SCHEDULE AND TO EXTEND STATUTORY DEADLINE

March 7, 2014

Page 2 of 3

**CERTIFICATE OF SERVICE**

I hereby certify that on this 7<sup>th</sup> day of March, 2014, I e-mailed a true and correct copy of the foregoing to:

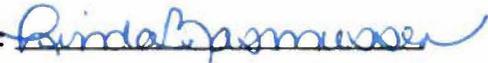
Steven D. DeVries  
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Regulatory Affairs & Public Advocacy Section  
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[michaeljungreis@dwt.com](mailto:michaeljungreis@dwt.com)

By: 

March 19, 2014

To: The Honorable Mayor Stephanie Scott and Haines Borough Assembly Members

From: Carol Tuyenman, President, Alaska Arts Confluence Board of Directors

Re: Request for Haines Borough to partner on Fort William H. Seward interpretive walking tour signs, contingent on ArtPlace America funding

Alaska Arts Confluence, a 501(c)3 nonprofit founded 2005 in Haines, is a finalist for an ArtPlace America grant award that would make possible up to 12 professionally produced interpretive walking tour signs for Historic Fort William H. Seward in the Haines Borough.

New Interpretive signage will benefit the Haines Borough by showcasing the historically and culturally significant structures for all who visit: cruise ship and independent travelers, school children, scouts and group tours, out-of-town friends and relatives visiting Haines residents, and the proud Fort Seward residents, business owners and nonprofits who are investing in our community and preserving the Fort.

More comprehensive, accurate, engaging and attractively-presented than the now obsolete interpretive offerings at the Fort, the new walking tour signage will tell a compelling story about our community by featuring historical content, photographs and locally-produced illustrations. Utilizing contemporary interpretive planning, design and fabrication techniques, the new outdoor signage program will pique interest in the Fort's history and its current-day residents and help garner support for its restoration.

The Haines Borough is the ideal partner to demonstrate the synergistic value of a public-private partnership. This interpretive signage project can be realized with a minimum of Haines Borough financial assistance and in-kind support from the Borough Planning Department, Sheldon Museum and Cultural Center and Public Works for research, site condition assessment, initial signage installation, seasonal removal (for protection from winter snow removal), storage and reinstallation, as well as for the planning and publicity of the opening event and dedication ceremony.

On behalf of the Alaska Arts Confluence Board of Directors, I respectfully request that Planning Commission Member Heather Lende serve as the Borough liaison on the Alaska Arts Confluence Board to ensure full compliance and accountability of the project. Should ArtPlace America funding be announced in June, we will engage in the planning and development of the Fort Seward walking tour interpretive signs beginning July 1, 2014 in preparation for installation and dedication by June 2015.

We eagerly await your positive response.



**AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES BOROUGH CODE TITLE 2 SECTION 2.62.030 TO ALLOW AN ASSEMBLY APPROVED EXCEPTION TO THE CONTRACTING OR SALE LIMIT TO A BOROUGH OFFICER OR EMPLOYEE.**

**NOW, THEREFORE, BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:**

Section 1. Classification. This ordinance is of a general and permanent nature and if adopted with or without amendment shall become a part of the Haines Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Amendment of Section 2.62.030. Section 2.62.030 of the Haines Borough Code is hereby amended to read as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE ADDITIONS TO THE CURRENT LANGUAGE  
**STRIKETHROUGH** ITEMS ARE DELETIONS

**2.62.030 Participation in contracting prohibited.**

A. No borough officer or employee who has a substantial interest, direct or indirect, in any contract with, or to be made with, the borough or the sale of any land, material, supplies or services to the borough or to a contractor supplying the borough may participate in that person's capacity as a borough officer or employee in the making or performance of such contract or the making of such sale.

B. The following shall not constitute a substantial interest prohibited by this section:

...

4. A contract or sale in which a borough officer or employee has an interest if the total consideration payable there under, when added to the aggregate amount of all consideration payable under contracts in which such person had an interest during the fiscal year, does not exceed the sum of \$500.00. **If the borough manager determines a higher sum would be in the best interest of the borough, the assembly may approve the exception by motion.**

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS \_\_\_ DAY OF \_\_\_\_\_, 2014.

ATTEST:

\_\_\_\_\_  
Stephanie Scott, Mayor

\_\_\_\_\_  
Michelle Webb, Interim Borough Clerk

Date Introduced: 01/14/14 – Introduced and Sent to G.A.S. Committee  
Date of First Public Hearing: 03/12/14  
Date of Second Public Hearing: 03/25/14



**Haines Borough  
Assembly Agenda Bill**

**Agenda Bill No.:** 14-436  
**Assembly Meeting Date:** 3/25/14

Business Item Description:	Attachments:
Subject: Repeal Commercial Passenger Vehicle Permitting	1. Ordinance 14-03-371 2. Excerpt of Commerce Committee Report 3. Comments from Chief Musser
Originator: Commerce Committee	
Originating Department: Assembly	
Date Submitted: 3/4/14	

**Full Title/Motion:**  
Motion: Advance Ordinance 14-03-371 to a second public hearing on 4/8/14.

**Administrative Recommendation:**

**Fiscal Impact:**

Expenditure Required	Amount Budgeted	Appropriation Required
\$	\$	\$

**Comprehensive Plan Consistency Review:**

Comp Plan Policy Nos.: N/A	Consistent: <input type="checkbox"/> Yes <input type="checkbox"/> No
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**Summary Statement:**  
On 2/26/14 the Commerce Committee met and this ordinance is a product of their discussion.  
  
Note from the Clerk: The term "Unique Classic Vehicle" was added to the Definitions section of HBC 5.20 per the committee instructions. However, no definition of the term has been provided at this time. The Clerk's Office recommends an amendment to this ordinance, after introduction, to provide this definition.

**Referral:**

Sent to:	Date:
Recommendation:	Meeting Date:
Refer to:	

**Assembly Action:**

Workshop Date(s):	Public Hearing Date(s): 3/25/14
Meeting Date(s): 3/11/14 & 3/25/14	Tabled to Date:

**AN ORDINANCE OF THE HAINES BOROUGH AMENDING BOROUGH CODE TITLE 5 SUBSECTION 5.04.130(A), SECTION 5.18.030, CHAPTER 5.20, AND SECTION 5.22.010 TO REPEAL COMMERCIAL PASSENGER VEHICLE PERMITTING.**

**NOW, THEREFORE, BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:**

Section 1. Classification. This ordinance is of a general and permanent nature and if adopted with or without amendment shall become a part of the Haines Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Amendment of Subsection 5.04.130(A). Subsection 5.04.130(A) of the Haines Borough Code is hereby amended to read as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE ADDITIONS TO THE CURRENT LANGUAGE  
**STRIKETHROUGH** ITEMS ARE DELETIONS

**5.04.130 Fees designated.**

A. Application Fee. An applicant for a permit required by this title shall pay a nonrefundable application fee at the time of application in accordance with the following schedule:

Transient and itinerant merchant permit	\$25.00
Fair vendor permit	\$25.00
<del>Commercial passenger vehicle permit (per vehicle)</del>	<del>\$50.00</del>
Commercial tour permit – Requiring a public hearing (permit has not been previously denied)	\$125.00
Commercial tour permit – Not requiring a public hearing	\$25.00
Commercial passenger or tour vehicle parking permit (per business)	\$25.00
Commercial tour permit – Requiring a public hearing (permit has been previously denied)	\$1,000

No additional fee is due for a permit in the year it is first issued.

Section 5. Amendment of Section 5.18.030. Section 5.18.030 of the Haines Borough Code is hereby amended to read as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE ADDITIONS TO THE CURRENT LANGUAGE  
**STRIKETHROUGH** ITEMS ARE DELETIONS

### **5.18.030 Application process.**

A. Application for a commercial tour permit and permit renewal shall be made using the procedures set out in Chapter 5.04 HBC and this chapter.

~~B. If the applicant intends to use a commercial passenger vehicle for conducting the tour or as a tour shuttle, the applicant must also obtain a commercial passenger vehicle permit under Chapter 5.20 HBC.~~

~~B.~~ An applicant must provide the following information:

1. Name, address, and telephone number of applicant and all principals.
2. Customer capacity; number of vehicles to be used; location of all phases of the tour(s), including where the tour(s) will be offered for sale and scheduled stops; a summary of the tour(s); a map showing the routes to be taken; and hours of operation. One copy of each published pamphlet or brochure describing each tour must accompany the application.
3. Brokers certificate of \$500,000 of current commercial general liability insurance naming the borough as additional insured. The policy shall not contain any self-insured retention or deductible in excess of \$1,000 and shall include a provision requiring written notification to be given to the borough by the insurance company not less than 30 days before the policy is canceled, modified, or terminated for any reason.
4. Proof of worker's compensation insurance where applicable by law.
5. A copy of current Haines Borough business license.
6. Current copy of a signed tour operator's code of conduct agreement which shall be approved by the borough assembly.
7. An explanation of any felony conviction within the past five years.
8. A safety and operating plan for heli-skiing and helicopter tours

Section 6. Amendment of Chapter 5.20. Chapter 5.20 of the Haines Borough Code is hereby amended to read as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE ADDITIONS TO THE CURRENT LANGUAGE  
**STRIKETHROUGH** ITEMS ARE DELETIONS

## **Chapter 5.20 Commercial Passenger Vehicle ~~Permits~~ Requirements**

### **~~5.20.010 Permit required.~~**

~~A. No person shall operate a commercial passenger vehicle or a commercial tour vehicle within the borough except as authorized by a current commercial passenger vehicle permit issued for such vehicle pursuant to this chapter and the procedures specified in Chapter 5.04 HBC.~~

~~B. Permit Display Required. A commercial passenger vehicle permit must be displayed in the lower right corner of the front windshield of the vehicle, or as otherwise specified by the manager.~~

### **~~5.20.020.010~~ Definitions.**

For the purposes of this chapter, the following terms shall be defined as follows:

"Commercial passenger vehicle" means a motorized or nonmotorized vehicle or means of conveyance that is used to transport passengers for compensation, regardless of the form or manner of charging the passenger or the form or manner of collecting the compensation. "Commercial passenger vehicle" does not include courtesy shuttles, vehicles with a maximum capacity of six customers operated by fishing or hunting charter operators for excursions,

vehicles operated for guided overnight excursions occurring outside of the Haines Borough, school buses operating exclusively under a contract with a school district, vehicles operated by profit or nonprofit transportation providers for the sole purpose of providing transport for elderly or disabled persons and their attendants, and vehicles operated exclusively by, or on behalf of, the borough, state, or federal governments.

"Commercial tour vehicle" means a commercial passenger vehicle that is used to conduct, or in furtherance of, a "commercial tour" as defined in HBC 5.18.010(B). Unless otherwise defined or provided for in this section, any vehicle or means of conveyance used to transport nonemployee passengers to or from a commercial tour shall be considered a commercial tour vehicle.

"Courtesy shuttle" means:

1. A vehicle that is owned or operated by a hotel, motel, or other similar business providing overnight accommodations to the public and used to provide complimentary transportation to the overnight guests of the business; or

2. A vehicle owned or operated by an air carrier and used to provide complimentary transportation to or from the airport for the passengers of the air carrier.

"Taxi" means a commercial passenger vehicle that is used for the purpose of carrying passengers for pay or hire upon the streets of the city, operating from a fixed or mobile location but not limited in its operation to any particular route. A taxi operates on a call or hail basis to provide point-to-point transportation to a destination determined by the passenger.

**"Unique Classic Vehicle"**

**~~5.20.030 Limitation on vehicle size.~~**

~~A commercial passenger vehicle shall not exceed 40 feet in overall length.~~

**~~5.20.040 Permit application requirements.~~**

~~No permit shall be issued for a commercial passenger vehicle until the applicant has provided all of the following:~~

~~A. The name of the operations manager, emergency contact phone, and local home address.~~

~~B. Proof of current motor vehicle inspection on each motor vehicle to be permitted. Such inspection shall be performed by an inspector authorized to complete Federal Inspection Form # 400-FS-C2 in accordance with 49 CFR Part 396. For the purposes of this chapter, "current" means within the prior 12 months.~~

~~C. Proof of Alaska motor vehicle registration and display as required.~~

~~D. A list of all vehicles to be operated or controlled by the applicant and the applicant's agents or employees and the location of proposed depots and terminals if any.~~

~~E. A description of the color scheme or insignia to be used to designate the vehicle or vehicles of the applicant and the license number and length of each vehicle.~~

~~F. Name, address, and telephone number of the applicant and all principals.~~

~~G. A copy of brokers certificate of \$500,000 of auto and commercial general liability insurance naming the borough as additional insured on all motorized commercial passenger vehicles, except that nonmotorized commercial passenger vehicles require only the commercial general liability certificate. In order to add additional vehicles to the original application, the permit holder must submit proof of insurance and proof of motor vehicle inspection for each additional motor vehicle.~~

~~H. The permit application fee required by HBC 5.04.130(A) applies to each vehicle to be covered by the permit.~~

**~~5.20.050.020 Vehicle identification.~~**

~~A. A commercial tour vehicle **and a commercial passenger vehicle** must display the following:~~

~~1. Commercial passenger vehicle permit sticker.~~

~~2~~ **1.** Tour operator's identification on two sides and rear of vehicle readable from a distance of 50 feet.

B. Multiple vehicles of a commercial tour must be visibly distinguishable from each other.

C. The owner or operator of a unique or classic vehicle may request from the manager an exception from these display requirements to preserve the cosmetic integrity of the vehicle. The manager shall not unreasonably deny such a request.

**5.20-~~060~~.030 Taxis.**

A. Taxis must display the following for passenger review:

~~1. Commercial passenger vehicle permit sticker;~~

~~2~~**1.** The appropriate license required under state law for the driver of the vehicle;

~~3~~**2.** Rates, including information specifying whether the rate is per person, per trip, and whether there are additional charges for any other services, such as baggage handling and extra stops;

~~4~~**3.** Address and phone number for the clerk, in order to lodge complaints or comments.

B. Taxis shall operate on a call or hail basis, and may not solicit passengers except in accordance with an approved commercial tour permit issued under Chapter 5.18 HBC. Taxis must adhere to all traffic and parking laws and may not block or delay traffic.

**5.20-~~070~~.040 Nonmotorized commercial passenger vehicles.**

The owner or operator of a nonmotorized commercial passenger vehicle proposing tours or shuttle services shall designate routes and stops as required in HBC 5.18.030. In addition to designated stops, a nonmotorized commercial passenger vehicle may stop to pick up passengers hailing the vehicle along designated routes, so long as the vehicle can pull clear of the road traffic lane. Active solicitation from the vehicle to persons along the route is prohibited.

~~**5.20-080 Renewal.**~~

~~A commercial passenger vehicle permit issued under this chapter may be renewed annually upon application to the clerk in accordance with the procedure specified in Chapter 5.04 HBC and this chapter, including providing the information required by HBC 5.20.040 for each vehicle to be covered by the permit.~~

~~**5.20-090 Revocation or suspension.**~~

~~A commercial passenger vehicle permit may be revoked or suspended in accordance with HBC 5.04.120.~~

Section 7. Amendment of Section 5.22.010. Section 5.22.010 of the Haines Borough Code is hereby amended to read as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE ADDITIONS TO THE CURRENT LANGUAGE  
**STRIKETHROUGH** ITEMS ARE DELETIONS

**Chapter 5.22 Commercial Passenger or Tour Vehicle Parking Permits**

**5.22.010 Permit required.**

No person shall operate, park, stand, or stop a commercial vehicle within the designated parking area at the Port Chilkoot Dock or other public areas as designated by the borough assembly, except as authorized by a parking permit issued under this chapter and the procedures specified in Chapter 5.04 HBC.

A. An applicant for a commercial passenger or tour vehicle parking permit must possess a valid current commercial tour permit for the tour or tours the applicant offers ~~and a valid current commercial tour vehicle permit for each vehicle that will use the Port Chilkoot Dock parking area or other commercial passenger or tour vehicle parking area designated by the assembly.~~

Haines Borough  
Ordinance No. 14-03-371  
Page 5 of 5

B. A permit applicant must show evidence that use of the permit will be limited to transportation of goods or passengers to or from cruise ships or to provide other commercial passenger transportation services. Such evidence shall be a contract for the presale of tours on board a cruise ship or a description of the transportation service to be provided.

C. A permitted vehicle may use designated commercial vehicle parking areas at times when cruise ships are not in port; provided, that such use involves the provision of passenger tour services. A permitted vehicle is not allowed to use commercial vehicle parking areas when not engaged in a commercial tour activity.

D. Enforcement of the parking provisions in this chapter shall be in effect between May 1st and October 1st of each year.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS  
\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

ATTEST:

\_\_\_\_\_  
Stephanie Scott, Mayor

\_\_\_\_\_  
Michelle Webb, Interim Borough Clerk

Date Introduced: 03/12/14  
Date of First Public Hearing: 03/25/14  
Date of Second Public Hearing: \_\_/\_\_/\_\_

Haines Borough Assembly Committee Meeting  
 Committee: Commerce  
 Assembly Chambers

Date: February 26, 2014

**(Excerpted)**

<b>Issue: Rebate of Vehicle Registration Tax for Commercial Tour Vehicles</b>	
The committee discussed redundancies generated by Title 5 Chapter 20 which require the Borough to maintain an active registration program for vehicles that are used by commercial tour operators that are required by state law to meet the same standards. The cost of administering the local program is considered unreasonable.	
<b>Recommended Action:</b> To bring before the Assembly for consideration amendments to Title 5 to eliminate the requirement for registering, inspecting and insuring commercial tour vehicles: 5.20.010 through 5.20.040, 5.20.060 A. 1. , 5.20.080. and Chapter 5.18.030.	Who: Staff
	When: ASAP or 3/25/14
<b>Issue: Solid Waste Management Survey</b>	
A survey of local household's attitudes and practices regarding trash, garbage, recycling, etc. was launched in early February using SurveyMonkey.com. The Chair reported that participation was low and would be nurtured and encouraged to assure reliable results. Goal is to get the data collected and analyzed by mid-March.	
<b>Recommended Action:</b> Be patient	Who: Chair
	When: ASAP

Meeting Chaired by Debra Schnabel

Minutes by Debra Schnabel

Committee Members Attending: Jerry Lapp, George Campbell, Debra Schnabel

Staff Attending: Darsie Culbeck

Citizens and Consultants:

## Michelle Webb

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**Subject:** FW: Proposed Ordinance

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**From:** Bill Musser  
**Sent:** Tuesday, March 18, 2014 12:23 PM  
**To:** Michelle Webb  
**Subject:** RE: Proposed Ordinance

Michelle,  
I have attached my review of the Commercial Vehicle Permitting elimination ordinance.

Comments from Bill Musser  
Chief of Police, Haines Borough Police Department  
Regarding Ordinance 14-03-371

- 1.) In 5.20.020 Definitions Chief has also notated that there is currently no definition of "Unique Classic Vehicle".
- 2.) In 2.20.020 Vehicle identification under (B) which states "Multiple vehicles of a commercial tour must be visibly distinguishable from each other." Chief has asked "Does a number 1, 2, 3, etc... meet the intention here for visibly distinguishable? Ex: Commercial Company XYZ #1 on the sides and back."

Thanks,  
Bill

---

**From:** Michelle Webb  
**Sent:** Monday, March 17, 2014 5:23 PM  
**To:** Bill Musser  
**Subject:** Proposed Ordinance

Good evening,  
The Haines Borough Assembly is considering an ordinance which will eliminate Commercial Vehicle Permitting for the Haines Borough. You may consider providing the assembly with feedback about this ordinance.  
The ordinance (14-03-371) is attached and is also available on the website at:  
<http://www.hainesalaska.gov/boroughassembly/ordinances-under-consideration> .

Thank you.

### Michelle L. Webb

Serving Interim Clerk (Deputy Clerk)  
Haines Borough  
P.O. Box 1209  
Haines, AK 99827  
P: (907) 766-2231 ext. 36  
F: (907) 766-2716

# INTERIM MANAGER'S REPORT

DATE: March 25, 2014  
TO: Mayor and Borough Assembly  
FROM: Julie Cozzi, Interim Borough Manager

## Administration

- **Deputy Clerk:** Five applications were received by the first review deadline. One applicant, Public Facilities Administrative Assistant Krista Kielsmeier, has been offered the position, and has accepted. In addition to being the most qualified applicant, borough code requires preference to be given to borough employees if all qualifications are at least equal. I am very pleased to welcome Krista to the Clerk's Office. Her start date has not yet been determined.
- **By-Mail Elections:** Some municipalities are interested in and are investigating the possibility of conducting elections "by mail" - in which the clerk would mail ballots to all registered voters in the municipality rather than setting up the precinct polling places. Our code already provides the option for the borough assembly to call for a by-mail election. Immediate Past President of the Alaska Association of Municipal Clerks, Johni Blankenship, has worked with Senator Micciche's office to draft the attached legislation (*Appendix A*) that would amend State Statute Titles 15 and 29 to clarify that municipalities would only have to appoint election workers for elections that are conducted with polling sites. The statute in its current form implies we must ALWAYS appoint election judges for each precinct. That would NOT be necessary in by-mail elections and therefore might imply the legislature does not want municipalities to conduct their elections by mail. By-mail elections would certainly not be required. This would simply clarify that if the assembly did call for an election to be conducted by mail, we wouldn't have to incur the expense of appointing election workers for our two precincts. We would still need to hire a few workers to facilitate a by-mail election, but theoretically we would not need as many. As with any type of election, we would still need to provide voter assistance in many forms. By-mail voting only takes the place of staffing the precincts, moving the equipment, setting up the polls, moving back the equipment, etc. However, we would still need procedures for absentee voting (for those who will not be at the address on their voter registration card on Election day), accepting ballots and providing replacement ballots at the admin office, and still allowing voting by electronic transmission (fax). This is an interesting bill to watch. In my opinion, by-mail elections could increase voter participation.
- **Shakwak Funding:** Yukon Premier Darrell Pasloski is in Washington this week asking members of Congress to restore annual funding for Alaska Highway reconstruction. Attached as *Appendix B* is a news release forwarded to me by the borough's Washington DC lobbyist.
- **Southeast Conference Report:** Darsie Culbeck and Assembly Member Debra Schnabel attended the Southeast Conference Mid-Session Summit last week in Juneau. Darsie submitted the attached report to me (*Appendix C*), and Debra's report is part of the meeting packet under Correspondence.

## Economic Development/Tourism

- **Tourism Director Recruitment:** The position is currently being advertised. Only two applications were received by the first review date (March 17), so we are continuing to accept applications to get a larger pool. The position is open until filled.

- **Avalanche**: Most people already know, but for those I continue to encounter who had not heard, a guide working with SEABA was caught up in an avalanche on Saturday, March 15. Although he was recovered from the snow, he was not able to sustain life. I am very saddened by this and have offered my condolences to SEABA. My heart goes out to the entire heliskiing community (a tight-knit group, I am told) and to the family of Aaron Karitis.
- **Heliport CUP**: The attached letter (*Appendix D*) was sent to Big Salmon Ventures (BSV) following the March 11 meeting during which the assembly ordered the planning commission to issue a one-year conditional use permit to BSV to operate a heliport. Since the assembly is mandating the planning commission act, the commission chair just had to sign the permit, and he has done that. It did not require commission action at another meeting. The borough attorney has prepared written appeal findings of fact for assembly adoption during the March 25 assembly meeting. The assembly's vote on the draft findings is not an opportunity to change the outcome of the assembly's CUP action but does formalize the reasons for that decision.

I am working with other staff members to develop a protocol for measuring impact. We are also looking into the possibility of contracting with an environmental engineer to assist us as we venture into this uncharted territory. I know BSV is very interested in making sure the monitoring and testing take place.

- **BLM Ring of Fire RMP**: Alan Bittner, Field Manager for BLM, phoned me to let me know he was sending me the attached letter (*Appendix E*). He informed me the BLM has decided to delay the much-anticipated Ring of Fire Resource Management Plan (RMP) Amendment. Although the letter does not state timeline specifics, he told me it will likely be a minimum of another two years. In a subsequent phone conversation, Mayor Scott and Darsie Culbeck stressed the economic importance of this industry to Haines and discussions are ongoing to find a win/win solution. The borough's planning & zoning technician indicates that 42% of the approved heliskiing areas on the approved Haines Commercial Ski Tour areas map is actually not available because of the BLM delay in the decision (of the approved 234,410 acres on the borough map, 98,299 acres are BLM).
- **GPS Data Checks**: Per the administrative policy pertaining to heliskiing GPS data reporting, the borough has conducted the first of five random checks. March 10 was selected, and the permittees were asked to submit GPS data for that date. Submitted information was processed and the report has been placed on the borough's website (the 2014 Heliskiing Information link on the Administration page). Additionally, we requested GPS data from SEABA for March 15, the date of the unfortunate avalanche. The results of that check show the activity was completely within approved boundaries. That report will be posted as soon as possible.

## **Lands-Assessment-Planning & Zoning**

- **Aspen Property**: We received the attached closure letter (*Appendix F*) from the Department of Environmental Conservation. DEC concurs with the recommendation by Chilkat Environmental and has determined that soil contamination remaining in a subsurface soil layer on the property is limited, stable and does not present an unacceptable risk to human health or the environment. This letter has been forwarded to the Aspen Hotels, and the property sale is expected to close very soon.
- **Geospatial (Building Numbering) Project**: Contractor Gary Greenberg was on site last week working with Tracy on this project. Thus far, 500 addresses have been confirmed as correct, but there are many that have issues to work out. They met with AP&T and borough finance and fire department personnel to compare existing address lists. This project is concentrating first on getting the Townsite Service Area addresses complete and correct.
- **Senior/Disabled Veteran Property Tax Exemption Applications Due**: The deadline for submitting applications for 2014 is March 31; no late applications will be accepted. Forms are available on the borough's website and from the borough administration office. Questions may be directed to Kathy Friedle at 766-2231 ext.22. She'll be very happy to assist anyone who needs help.

- **Floreske Helipads at 10-mile:** The Army Corps of Engineers (ACOE) has authorized a fill permit for John Floreske's project to install several small helipads at the 10-mile Meadows area to service the residential lot pads that were created there some time ago. According to ACOE, the permit contains a couple of mitigation options for the applicant to consider. I contacted Randy Vigil to request a copy of the permit. He explained the ACOE has offered a permit to Mr. Floreske, but he hasn't yet signed it. Also, the permit won't become issued until Mr. Vigil signs it as well. Once it's finalized with both signatures, he will send me a copy. I understand there are those who are concerned that a copy is not being provided until after it is signed. It is important for me to remind everyone of two very important things:

1. The ACOE issued this fill permit following a public comment period; and
2. Just because ACOE issues a permit for fill doesn't mean the helipads can be installed. Borough Code requires a conditional use permit that involves a public hearing process. Mr. Floreske understands he must apply for and receive a CUP before he can proceed with his plans.

I will make available the permit copy once I receive it.

### Ports and Harbors

- **Assistant Harbormaster:** Several applications were received and, following interviews, the position was offered to Shawn Bell. His first day on the job will be April 1, 2014. He brings with him a lot of maintenance and construction experience as well as supervisory--- all outstanding assets for the harbor. I understand his sister is the Haines Post Mistress.
- **Harbormaster Report:** Phil Benner has provided a department activity update, and it is attached as *Appendix G*.

### Police Department

- **Dispatch Area Restricted Access:** Chief Musser has issued a general order restricting access to the Dispatch area. This is in large part due to our audit and review held on 3/14/2014 with the Alaska Department of Public Safety, as they oversee our APSIN network.
- **Personnel:** Our new patrol officer Joshua Dryden has arrived in town and will be on the job March 24. He will be sworn in during the March 25 assembly meeting. Additionally, Sierra Hinkle has been hired as a dispatcher/jailer beginning April 1. Even though the new hires will be going through training, it does put the police department back up to full staffing.

### Public Facilities

- **Director of Public Facilities Report:** Carlos Jimenez has provided a project update, and it is attached as *Appendix H*.

WORK DRAFT

WORK DRAFT

WORK DRAFT

28-LS1558\U  
Bullard  
3/5/14

## SENATE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY THE SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Introduced:

Referred:

## A BILL

### FOR AN ACT ENTITLED

1 "An Act relating to the appointment of municipal election boards."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 \* Section 1. AS 15.10.120(f) is amended to read:

4 (f) For a municipal election in which voters cast ballots at polling places  
5 in their precincts, election [ELECTION] boards [FOR MUNICIPAL ELECTIONS]  
6 shall be appointed by the appropriate municipality.

7 \* Sec. 2. AS 29.26.010 is amended to read:

8 Sec. 29.26.010. Administration. (a) The governing body shall prescribe the  
9 rules for conducting an election.

10 (b) For an election in which voters cast ballots at polling places in their  
11 precincts, the governing body [AND] shall appoint an election board composed of at  
12 least three judges for each precinct. If the governing body appoints an election  
13 board, a [A] judge shall be a voter of the precinct for which appointed unless no voter  
14 is willing to serve.

## Yukon premier asks Congress to restore Alaska Highway funding

Radio Canada International

March 18, 2014

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Text Size [A](#) [+A](#)

Yukon Premier Darrell Pasloski is in Washington this week asking members of Congress to restore annual funding for Alaska Highway reconstruction.

In 1977, the governments of Canada and the United States agreed to share the costs of maintenance and improvement of the Alaska Highway. However, this funding was eliminated in the last U.S. annual budget. Pasloski believes that the United States has been getting a good deal and that the U.S. is responsible for maintaining the funding.

"Canada, the Yukon and British Columbia have put nearly \$1.5 billion into the Alaska Highway, while the United States has provided about \$460 million, so that's a little less than 25 percent," he says.

Related:

[Study: Permafrost along Alaska Highway gradually disappearing](#)

[Whitehorse hopes for bump in food bank donors after 4-day Alaska Highway closure](#)

"I tell the senators and members of Congressmen: `Look, you have invested approximately 25 percent of the money spent on the road, but 85 percent of the traffic is U.S. traffic,'" he says.

The Yukon premier says his message is well received by Republicans and Democrats and that he has received letters of support from the Teamsters and the American Trucking Associations.

He believes, however, that Yukoners will have to wait two or three months to hear back from U.S. lawmakers on the subject.



**Haines Borough Administration**  
**Darsie Culbeck, Executive Assistant to the**  
**Borough Manager**  
**(907)766-2231 • Fax(907)766-2716**  
**dculbeck@haines.ak.us**

## **Southeast Conference Notes**

March 12-14, 2014

Debra Schnabel and I attended Southeast Conference on March 12-14, 2014. We heard from the Governor, various legislatures, industry representatives, state and federal agencies, and others. We also had a meeting with Senator Stedman and attended the Southeast Solid Waste Authority board meeting. Notes and an event summary are below.

### **Senator Stedman Meeting:**

Senator Stedman says that the state is running out of money and that we should expect declining budgets into the future. He wants communities to prepare for belt tightening and become sustainable and independent. He mentioned that Legislative Finance predicts that Alaska's savings could be depleted in 10 years. He also discussed the Initiative to repeal SB21. He thinks this legislation is bad for Alaskans and his arguments were convincing.

He says that it is unlikely that Haines will see direct appropriations in this years budget as we are already getting \$20M for the ferry dock upgrades.

### **Robbie Graham and Joe Jacobson: Department of Commerce:**

They reported on trying to reduce the cost of energy, marketing forest and fish products, and creating infrastructure. They highlighted some of the opportunities for small business including state micro loans, the Rural Development fund, and the Mariculture loan program.

### **Ballot Measure 1, "Alaska Oil Tax Cuts Veto Referendum" Panel Discussion:**

Kara Moriarty from the Alaska Oil and Gas Association and Bill Corbus from Make Alaska Competitive verses Senators Bill Wielechowski and Hollis French.

### **Representative Peggy Wilson:**

She wants a constitutional amendment on transportation funds withll taxes and fees going to a dedicated transportation fund.

### **Lee Heifetz (consultant), Samia Savell (USDA), James Marcus (Southeast Soil and Water Conservation):**

Food Security keeps money can stay in the community. 95% of Alaska food is imported. The high tunnel (green house) grant program is ongoing for those in the community who want to participate. See USDA website.

### **Captain John Falvey Alaska Marine Highway System:**

AMHS Expects to see new boats and terminal in place by 2017.

### **Kara Moriarty, Alaska Oil and Gas Association:**

The oil industry might account of 1/3 of all AK jobs.

### **Deaneta Crockett, Alaska Miners Association:**

She highlighted the economic benefits with mining in Southeast and outlined the substantial challenges with permitting. She mentioned that there is an 80% Alaska hire in the industry and that the costs of energy is a huge challenge.

### **Legislative Updates with Senator Stedman;**

The Inter Island Ferry is in jeopardy, the gas line project is coming but SE will not see the direct rewards. HB 77 will likely go forward. Marine Highway, hopefully the new boats will be built in Ketchikan and take 6 years for all boats. Don't expect big energy money or hydro projects in Southeast. Any money spent is money in the red. He supports putting the \$3B towards the unfunded retirement funds (PERS, TERS).

**Southeast Alaska Solid Waste Authority Board Meeting:**

This is a group of municipalities from Southern Southeast working together to lower costs and create efficiencies in dealing with solid waste. They are currently looking at opportunities for shared use of capital-intensive equipment like car crushers, bailers, etc. Juneau, Skagway and Gustavus are not members, but do participate in this group.

**Summary;**

The big message is that the state is running out of money and there is not much good news on the horizon, especially for coastal Alaska. The proposed LNG pipeline and associated infrastructure will cause a boom for Anchorage and Fairbanks during construction and they will benefit from inexpensive energy when it is completed. It is unlikely that coastal Alaska will see much direct benefit.

Haines will not likely see direct legislative appropriations, but should continue apply for money through state agencies like DEC, DEED, AEA, etc.

# Appendix D



HAINES BOROUGH, ALASKA  
P.O. BOX 1209  
HAINES, AK 99827  
(907) 766-2231 FAX (907) 766-2716

March 14<sup>th</sup>, 2014

Big Salmon Ventures LLC  
Attn: Scott Sundberg  
PO Box 1368  
Haines, AK 99827

Re: Big Salmon Ventures LLC Heliport Conditional Use Permit # 14-01  
Lot 10, Sundberg Subdivision II

Dear Mr. Sundberg:

Thanks for participating in the March 11<sup>th</sup>, 2014 Assembly meeting. At the meeting, the Assembly overturned the Planning Commission's decision, and approved your heliport conditional use permit for **a period of one year** with the following conditions:

- No Bell 212 helicopters at the site; and
- Only one company allows to use the site; and
- Hours of operation be limited between 8 a.m. to 6 p.m.; and
- Dates of Operation: March 15<sup>th</sup>, 2014 thru May 3<sup>rd</sup> 2014, and February 1<sup>st</sup>, 2015 thru March 15<sup>th</sup>, 2015; and
- Fuel storage will be done in accordance with Department of Environmental Conservation (DEC) standards with a fuel spill containment program in place before operations begin; and
- Allowance of emergency use for state and federal response, medical, firefighting; and
- Specific and identified GPS flight path that will create the least amount of noise and impact to nearby residents. Flight paths will not be conducted over any residences and take place over state lands; and
- Voluntary shut down of operations for nearby residents for special events that would be considered a nuisance or simply would disturb the quality of the planned event, depending on the frequency and nature of the event.

If you have any questions, please contact the Borough.

Sincerely,

A handwritten signature in black ink, appearing to read "Tracy Cui".

Tracy Cui  
Planning and Zoning Technician  
[xcui@haines.ak.us](mailto:xcui@haines.ak.us)  
(907) 766-2231 Ext. 23

# Appendix E



## United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Anchorage Field Office  
4700 BLM Road  
Anchorage, Alaska 99507  
<http://www.blm.gov/ak>

MAR 07 2014

In Reply Refer To:  
1220 (AKA010)

Dear Interested Party:

The Bureau of Land Management (BLM) Anchorage Field Office is announcing a delay of the Ring of Fire Resource Management Plan Amendment (RMP Amendment).

New scientific information related to mountain goats in the Haines area, as well as an increased awareness of Alaska Native cultural values relating to these goat populations, has prompted the BLM to identify and describe a new alternative considering a mountain goat habitat Area of Critical Environmental Concern (ACEC) for portions of the planning area.

The BLM regrets the delay in the Ring of Fire RMP Amendment, but is dedicated to ensuring that the most recent scientific findings and cultural information are incorporated into our planning efforts.

Thank you for your patience as we incorporate new public comment and scientific information into our planning process. If you have any questions please contact Doug Ballou, Assistant Field Manager at (907) 267-1206 or Alan Bittner, Field Manager at (907) 267-1285.

Sincerely,

Alan Bittner  
Field Manager



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

## Department of Environmental Conservation

DIVISION OF SPILL PREVENTION & RESPONSE  
Contaminated Sites Program

410 Willoughby Ave Suite 303  
PO Box 11180  
Juneau, Alaska 99811-1800  
Main: 907-465-5210  
Fax: 907-465-5218

File No: 1508.38.017

March 18, 2014

Via Electronic and Regular Mail

Mr. Carlos Jimenez, Director  
Haines Borough Public Works  
Post Office Box 1209  
Haines, Alaska 99827

RE: Closure with Institutional Controls Determination  
Haines Borough Primary School Contaminated Site

Dear Carlos,

The Alaska Department of Environmental Conservation, Contaminated Sites Program (DEC) has reviewed the environmental records for the referenced site. This decision letter explains the site history, cleanup activity and specific conditions required to effectively manage any remaining contamination. No additional remedial action is required as long as compliance with these conditions is maintained.

**Site Name and Location**

Haines Borough School District USTs  
Haines Borough Offices  
Haines, Alaska 99827  
Lots 6 and 7, Primary School Subdivision Plat 2008-21

**Address of Contact Party**

Carlos Jimenez  
Haines Borough Public Works  
P.O. Box 1209  
Haines, AK 99827

**DEC Site Identifiers**

Hazard ID: 26214  
File: 1508.38.017

**Regulatory Authority for Determination**

Title 18 Alaska Administrative Code 75

**Site Description and Background**

The former Primary School building UST property is located on Main Street between Fourth and Fifth Avenues in downtown Haines. The surrounding properties consist of municipal, commercial and residential land use. The nearest large surface water body is Portage Cove off Chilkoot Inlet, located about 0.3 miles to the west.

The referenced property is situated in an area of the Chilkat River floodplain that has a fine glacial till (clay) layer that constitutes a confining layer separating shallow groundwater from deep groundwater. The deep groundwater aquifer below the confining layer has a peizometric pressure gradient and may be of sufficient supply and quality to become a drinking water source. Shallow groundwater above the confining layer appears intermittently depending on rainfall and snowmelt from the mountains north of the Haines. Due to the influence of surface water the shallow aquifer is not of sufficient quality for use as a drinking water source. During summer, shallow groundwater is often not present for months at a time.

The Haines Borough provides drinking water to the area under a local public health ordinance that requires residents within 200 feet to make connection to the system. Site investigation has shown that subsurface water elevation on the properties varies seasonally between 8.5 and 13 feet below ground surface (BGS). Depth to bedrock in downtown Haines has been found to be less than twenty feet BGS. The predominant direction of groundwater flow on the property is southwest, toward the Chilkat River. Soil types on the property consist of alluvial and glacial sand and gravel overlain by imported construction fill.

In 2005, the Haines Borough (HB) was making plans to decommission the underground storage tanks (USTs) that supplied heating oil to boilers at four active school buildings. In advance of the project, the Borough made arrangements to investigate soil around each of the USTs for contamination. In October 2005, Carson Dorn Inc. (CDI) advanced test pits at the Primary School building and collected analytical samples from each test pit to characterize subsurface soil for diesel range (DRO) hydrocarbons. At the Primary School, DRO concentrations reached 8,290 milligrams per kilogram (mg/kg) and water in the excavation had petroleum sheen. Since HB intended to decommission the USTs over the next several years DEC deferred further characterization and cleanup activities until the tanks were no longer in use and listed the property on the Contaminated Sites Database.

### **Contaminants of Concern**

The following petroleum contaminants of concern (COCs) are those above cleanup levels that were identified during the course of the site investigations, as summarized in the Characterization and Cleanup Activities section of this decision letter.

- Diesel Range Hydrocarbons (DRO)
- Benzene
- 2-Methylnaphthalene
- 1-Methylnaphthalene

### **Cleanup Levels**

Site investigation sampling detected elevated concentrations of DRO, benzene, 1-methylnaphthalene and 2-methylnaphthalene in confirmation samples of subsurface soil at the former Primary School UST site. The migration to groundwater soil cleanup levels are applicable in this situation to limit DRO and benzene soil contamination from migrating into shallow groundwater. As previously stated, groundwater is intermittent at the site and was investigated for contamination. Surface water is not present at the site and was not investigated for contamination.

The cleanup level requirements for heating oil contamination in soil and groundwater on the property are those established in 18 AAC 75.341(b)(2) Method Two for soil with chemicals listed on 18 AAC

75.341(c) Table B1 and petroleum hydrocarbon ranges listed on 18 AAC 75.341(d) Table B2 for the over 40 inch rainfall zone for soil, and those established in 18 AAC 75.345(b)(1) on Table C for groundwater. The following table displays the contaminant of concern cleanup levels for completed pathways at this site:

**Table 1 – Approved Cleanup Levels**

Chemical	Soil (mg/kg) Migration to Groundwater	Groundwater (mg/L)
Benzene	0.025	0.005
DRO	230	1.5
2-Methylnaphthalene	6.1	0.15
1-Methylnaphthalene	6.2	0.15

mg/kg = milligrams per kilogram

mg/L = milligrams per liter

**Site Characterization and Cleanup Activity**

Site Investigation and Cleanup activities conducted under the regulatory authority of the Contaminated Sites Program (DEC) began in 2006. By letter in March 2006, DEC approved a Site Investigation Report for the limited site activity in 2005 by CDI and agreed to allow the Haines Borough (HB) to delay cleanup activities until school buildings were no longer in-use by the School District. These activities are described below.

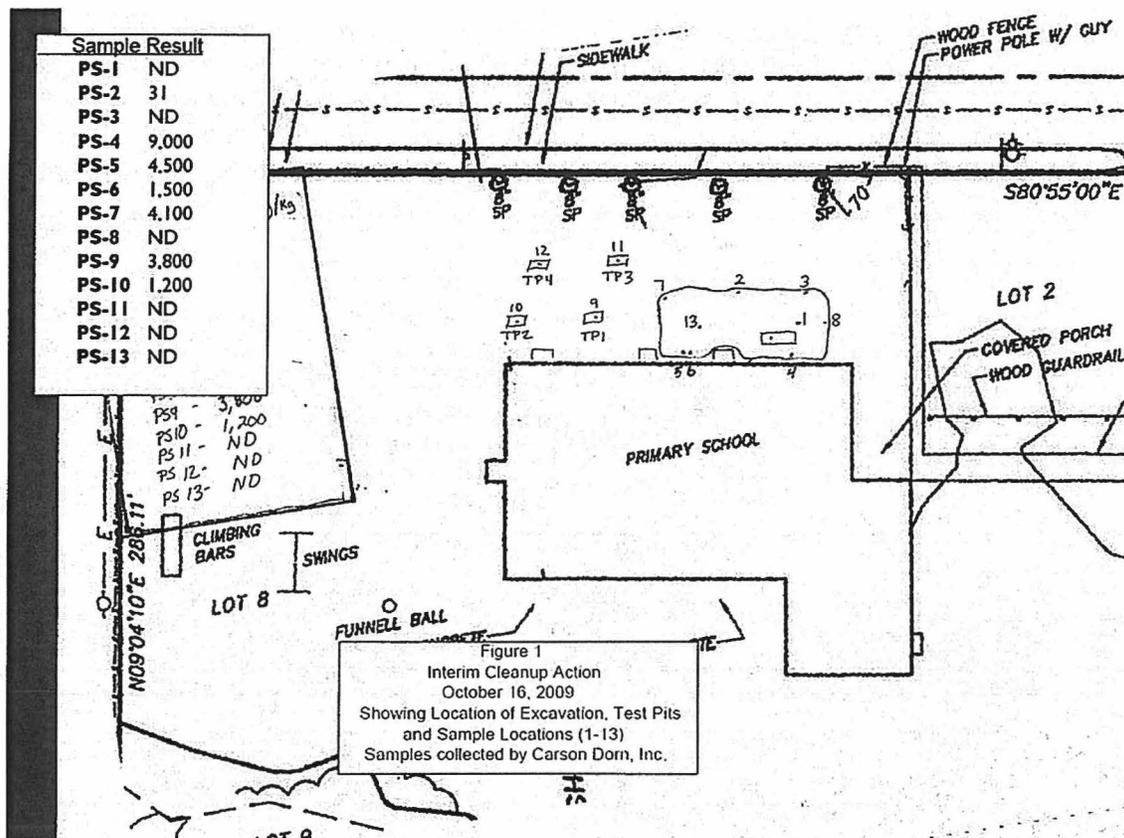
In 2007, DEC approved a work plan for HB to perform the Interim Removal (IR) excavation of the accessible contaminated soil while protecting the integrity of the Primary School building structure. The approved plan drafted by CDI anticipated that a limited volume of the most highly contaminated soil would be loaded into shipping containers for transport to an out-of-state remedial landfill and the lesser contaminated soil would be temporarily stored at the Haines Borough Wastewater Treatment Plant (WTP). At a later date CDI and HB would submit a formal contaminated soil remedial treatment plan to DEC for approval to construct biological treatment cells on-site.



Dense gray sandy/silt/clay layer between eight and ten feet BGS in the main UST excavation.

In October 2009, HB implemented the approved IR Plan during the closure-by-removal of the buried heating oil tank. Using field screening sample methods, CDI directed the loading of an estimated volume of 35 cubic yards of highly contaminated soil into the shipping containers. CDI observed that the fuel released from the UST had filtered down through layers of gray sandy gravel and pooled over the top of silty clay soil layer that ranged in depth between seven and ten feet below ground surface (BGS). Over the next few days HB excavated an estimated volume of 90 cubic yards of lightly contaminated soil from the three accessible sidewalls moving progressively further away from the building foundation. According to the approved IR Plan, the lightly contaminated soil was transported to the WTP site where it was placed into storage between liners in a bermed enclosure. The shipping containers of highly contaminated soil (35 cubic yards) were shipped by barge to Roosevelt Regional Landfill in WA.

CDI collected nine confirmation soil samples (PS-1 through PS-8 and PS-13) from the sidewalls of the main excavation, then advanced additional investigation test pits 1 through 4 in locations west of the main excavation to collect four soil samples (PS-9 through PS-12) from the sidewalls at similar depths BGS. Groundwater did not appear in any of the excavations and was not investigated for contamination.

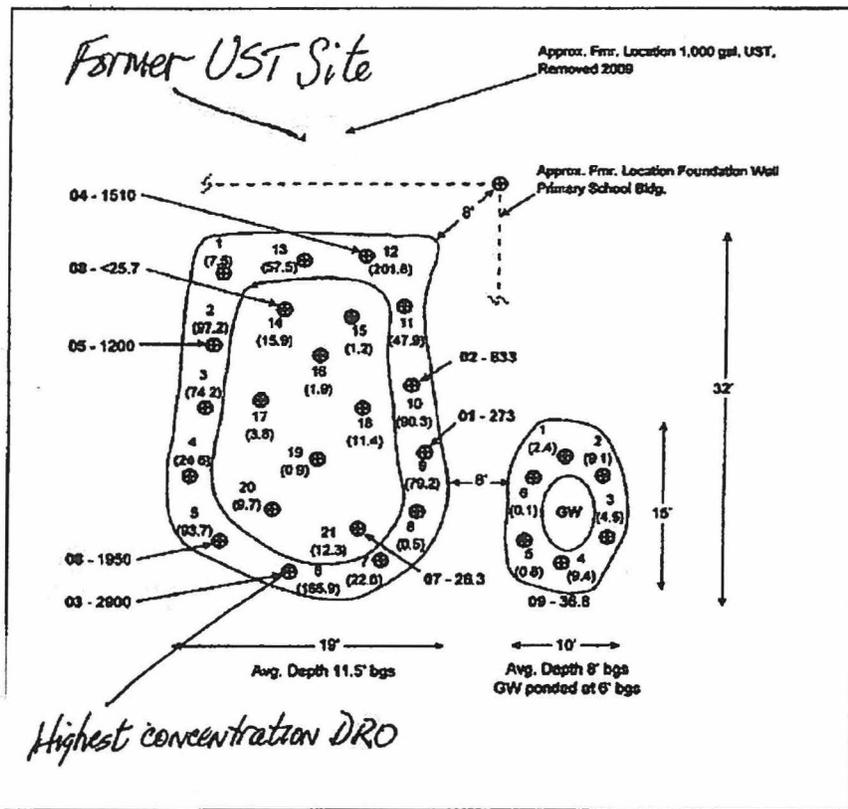


Drawing 1: October 2009 Test Pits and former UST locations at the Primary School

The analytical results for gasoline range (GRO), residual range (RRO) hydrocarbons and benzene, toluene, ethylbenzene, total xylene (BTEX) and polyaromatic hydrocarbon (PAH) hydrocarbon compounds in confirmation soil samples PS-1 through PS-13 were below laboratory reporting limits and soil cleanup levels. Analytical results for six of the thirteen confirmation samples collected in gray sand at depths of five feet BGS next to the school building foundation exceeded the DRO cleanup levels. Soil

confirmation samples from gray silty clay at eight feet BGS in the bottom of the excavation and from the east and north walls of the excavation were all below DRO cleanup levels. In December 2009, DEC approved the data in the CDI Sampling Report for the UST closure site investigation.

In October 2010, DEC approved a sampling plan for HB to perform additional interim removal of subsurface contaminated soil in conjunction with demolition of the Primary School building. After the school building was demolished, Montauk Environmental (Montauk) used field screen sampling methods to direct HB in excavating an estimated volume of 200 cubic yards of contaminated soil from under the building foundation. HB transported the contaminated soil to the WTP site where it was placed into storage between liners in a bermed enclosure. The DRO soil contamination was found in a gray sandy gravel layer at depths averaging between six and seven feet BGS extending under the former building foundation in a southwest direction from the former UST.



**Legend**

- ⊕ Test Pit and ID No.
- ⊕ Contractor's Datum Point (DP).  
Approx. NE Corner Fmr. Bldg.
- ⊕ Field Headspace Sample No. and (Result in ppm)
- ⊕ Co-located Field and Lab' Sample Location
- 03 - 2900 Lab' Sample No. and Diesel Range Organics Concentration in mg/kg
- Ponded Groundwater From Sidewall Seeps

Haines Primary School LUST Contam. Soil Removal Action

**Figure 3: Field and Lab Sample Locations and Results**

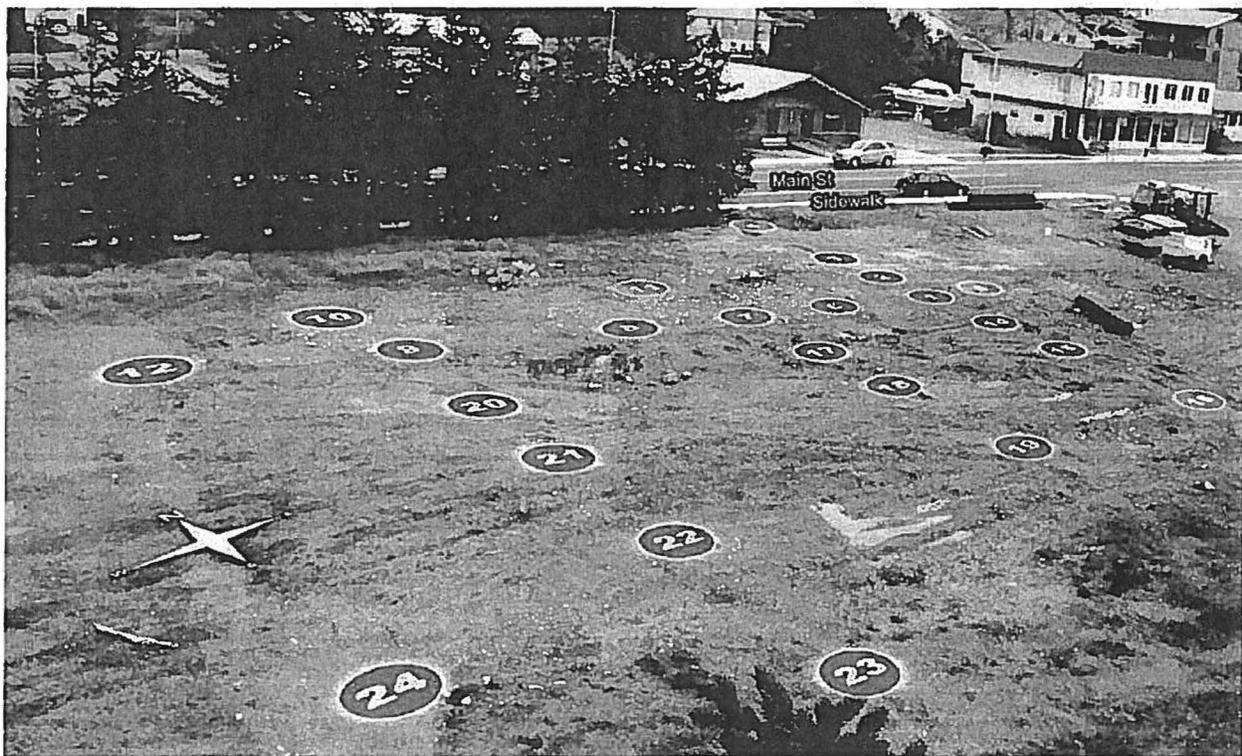
It is the responsibility of the contractor to ensure the accuracy of this report, and it is to be used for no other purpose.

Montauk E/E      Drawn by CJE

Drawing 2: 2010 site investigation/interim removal under the building foundation

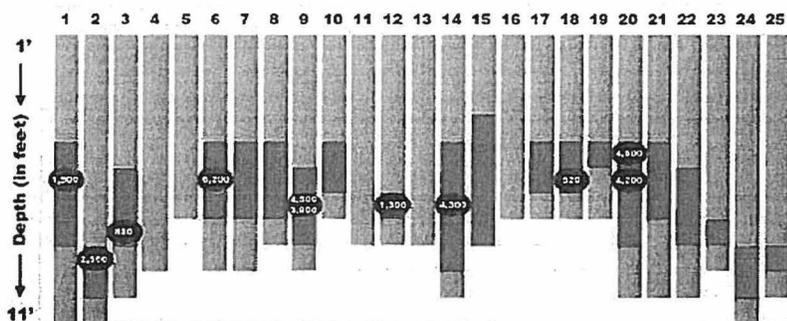
The highest level of DRO detected in soil at the extent of the 2010 excavation was 2,900 mg/kg in sample 03 collected from the south wall at a depth of four and one half feet BGS. Sample 07, collected at the deepest point on the bottom at the south end of the pit at 11.5 feet BGS, had a DRO concentration of 26.3 mg/kg. Since groundwater was not encountered, the 2010 site investigation concluded that after the interim removal, a thin layer of contaminated soil remained above a confining layer of clay where water collects after permeating through the upper porous layers of soil. When water infiltrating from the surface reaches the silty clay layer it follows the natural horizontal gradient in a southwest direction.

In July 2010, DEC approved a work plan to aggressively treat the estimated 290 cubic yards of lightly contaminated soil stored at the WTP site in a biocell. By November 2012, samples indicated the soil met DRO cleanup levels and DEC approved land spreading the biocell remediated soil behind the WTP building capping it with clean material.



**Former Primary School**  
 Haines, AK

- Clean
- Contaminated
- # - DRO Results

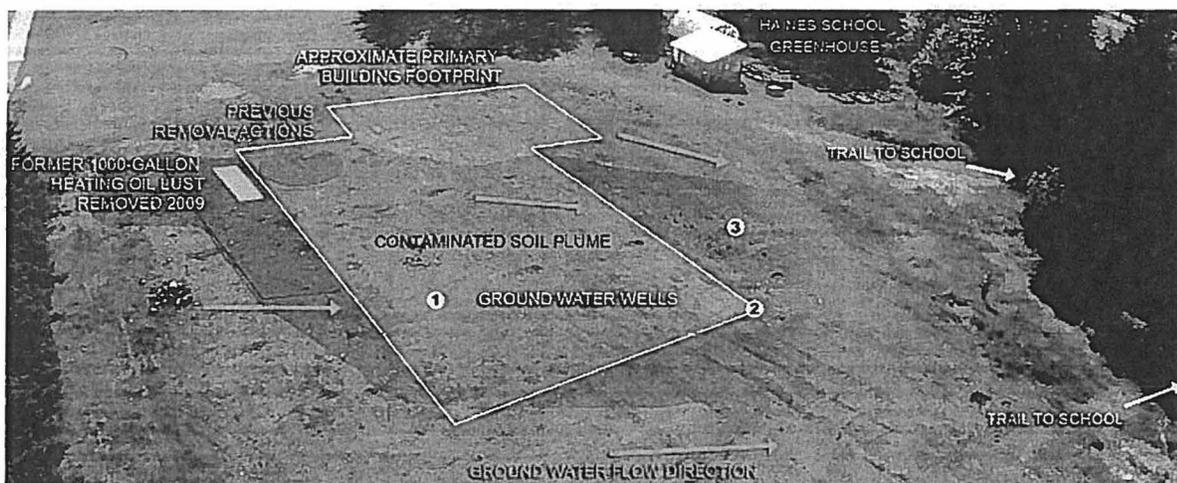


Drawing 3 2012 Site Investigation boring locations, depths BGS and DRO concentrations in samples

In August 2012, Chilkat Environmental (CEI) collected eleven site characterization analytical soil samples from 24 test pits advanced at the Primary School UST site (Drawing 3 above). CEI screened test pit samples for volatile hydrocarbons with a photoionization detector. The samples with the highest readings were prepared and sent for laboratory analysis. Each of the soil COCs for the site DRO, benzene, 2-methylnaphthalene and 1-methylnaphthalene were detected above approved cleanup levels. The analytical results detected moderate concentrations of DRO in all eleven samples with a maximum DRO concentration of 6,200 mg/kg in sample P6-5 collected six feet BGS in a boring located at the former UST site. The analytical results detected benzene in five of eleven samples and the maximum benzene concentration was 0.11 mg/kg in sample P1-11 collected east of the former UST site. Analytical results for PAH compounds 2-methylnaphthalene and 1-methylnaphthalene had concentrations of 19 mg/kg and 12 mg/kg respectively in sample P20-5 collected five feet BGS west of the former UST site.

The data supported the conclusion of previous investigations that a DRO contaminated soil layer extended horizontally in a southwest direction from the UST release source. The thickness of the contaminated soil layer became increasingly thinner as the boring locations got further from the UST source. Groundwater seeped into boring samples at a depth just above the silty clay confining layer previously encountered. As distance from the UST site increases southwest on the level grade of the building site, the vertical distance in depth to the clay layer where groundwater was found, also increases.

Based on the 2012 analytical sampling data, CEI concluded that contaminated soil remains beyond the perimeter of previous removal excavations in a layer averaging less than one foot thick over the intact clay-like confining layer. Groundwater migrating through this remaining soil contamination layer could potentially seep from the surface and affect wetlands located off-site southwest of the building site. As a result, DEC requested HB submit a plan to investigate groundwater for contamination.



Drawing 4 Former Primary School contaminated soil plume, groundwater flow & monitor well locations

In October 2013, Chilkat excavated pits in three locations (number white circles in Drawing 4) and installed pre-packed monitor wells to depths averaging 13 feet BGS. Groundwater began to seep from pit sidewalls, on average, at a depth of nine feet BGS. One day after installation, the wells were developed, purged, and samples were collected and submitted for analysis of GRO, DRO, RRO, BTEX and polyaromatic hydrocarbons (PAHs). Groundwater analytical results for each analyte was either below laboratory reporting limits or Table C cleanup levels. The following table displays data for the COCs.

**Table 2** COC Analytical results of the 2013 groundwater sampling event

Analyte	Units	MW-1	MW-1 duplicate	MW-2	MW-3	Table C level
DRO	mg/L	1.3	1.4	0.32	0.41	1.5
Benzene	mg/L	<0.00035	0.00088	<0.00035	0.00036	0.005
2-methylnaphthalene	mg/L	<.001	<.0073	0.023	<0.001	0.15
1-methlnaphthalene	mg/L	<.001	<.001	<.001	<.001	0.15

mg/L= milligrams per liter

Based on analytical results below the cleanup levels in samples from each monitor well for COCs DRO, benzene, 2-methylnaphthalene and 1-methylnaphthalene, CEI recommended closing the site with institutional controls restricting movement of soil from below an estimated average depth limit of five feet BGS where remaining contaminated soil may be present, as displayed in Drawing 3.

**Cumulative Health Risk Calculation**

Pursuant to 18 AAC 75.325 (g), when detectable contamination remains on-site following a cleanup, a cumulative risk determination must be calculated. Cumulative risk from petroleum contamination of environmental media at the site is addressed using the BTEX analyte concentration data. Based on a review of the environmental record, DEC has determined that residual contaminant concentrations do not pose a cumulative human health risk.

**Exposure Pathway Evaluation**

Following investigation and cleanup at the site, exposure to the remaining contaminants was evaluated using DEC’s Exposure Tracking Model (ETM). Exposure pathways are the conduits by which contamination may reach human or ecological receptors. ETM results show all pathways to be one of the following: De Minimis Exposure, Exposure Controlled, or Pathway Incomplete. A summary of this pathway evaluation is included in Table 3.

**DEC Decision**

In accordance with 18 AAC 75.335, site characterization and cleanup DEC concurs with the recommendation by Chilkat Environmental and has determined that soil contamination remaining in a subsurface soil layer on the referenced property is limited, stable and does not present an unacceptable risk to human health or the environment. Groundwater monitoring demonstrates that the thin zone of contamination is not impacting groundwater. The department approves closure for this site in accordance with 18 AAC 75.380, subject to institutional controls under 18 AAC 75.375, as outlined below. These controls are necessary to ensure that soil contamination encountered during construction or other disturbances in the future is properly managed, and that current and future landowners or operators on the impacted properties are notified and aware.

**Institutional Controls**

Since petroleum contamination remains in subsurface soil on the referenced property above approved cleanup levels, institutional controls are necessary to ensure there is no unacceptable risk to human health or the environment, now and in the future. A Notice of Environmental Contamination (deed notice) shall be recorded in the State Recorder’s Office as an institutional control (IC) that identifies the nature and extent of contamination at the property as described in this decision document and the

conditions that current and future owners and operators are subject to in accordance with this decision document. These conditions are as follows:

1. Any future change in land use may impact the exposure assumptions cited in this document. If land use zoning and/or ownership changes, these management conditions may not be protective and DEC may require additional remediation and revised conditions. Therefore the Haines Borough and any future property owner of this site shall submit a report to DEC every three years to document land use, or report as soon as the Haines Borough and any future property owner becomes aware of any change in land ownership and/or zoning use, if earlier, with a written description and photographs of the condition of the ground surfaces overlying the contamination with notation of any changes since the last report. The report can be sent to the local DEC office or electronically to [DEC.ICUnit@alaska.gov](mailto:DEC.ICUnit@alaska.gov)
2. Sub-surface soil contamination is located on the referenced property as indicated on Drawing 3 in the body of this letter and on the deed notice. If remaining contaminated soil is disturbed by excavation, the soil must be evaluated and contamination addressed in accordance with a DEC approved work plan. When remaining soil contamination at the former Primary School property becomes accessible during future property development, the soil must be evaluated and contamination addressed to the extent necessary to complete new development in accordance with a DEC approved work plan.
3. Installation of water wells will require approval from DEC.
4. Existing groundwater monitoring wells must be decommissioned by the last day of August 2014 in accordance with DEC guidance. Submit documentation to DEC within 30 days of decommissioning the wells.
5. Any proposal to transport soil or groundwater off-site requires DEC approval in accordance with 18 AAC 7.325(i). A "site" [as defined by 18 AAC 75.990 (115)] means an area that is contaminated, including areas contaminated by the migration of hazardous substances from a source area, regardless of property ownership.
6. Movement or use of contaminated material in a manner that results in a violation of 18 AAC 70 water quality standards is prohibited.

The DEC Contaminated Sites Database will be updated to reflect the change in site status as detailed above, and will include a description of the contamination remaining at the site. Institutional controls will be removed in the future if documentation can be provided that shows cleanup levels have been met. Management conditions 5 and 6 remain in effect after ICs 1-4 are removed.

This determination is in accordance with 18 AAC 75.380 and does not preclude DEC from requiring additional assessment and/or cleanup action if future information indicates that this site may pose an unacceptable risk to human health or the environment.

### **Appeal**

Any person who disagrees with this decision may request an adjudicatory hearing in accordance with 18 AAC 15.195 -18 AAC 15.340 or an informal review by the Division Director in accordance with 18 AAC 15.185. Informal review requests must be delivered to the Division Director, 410 Willoughby Avenue, Suite 303, Juneau, Alaska 99801, within 15 days after receiving the department's decision reviewable under this section. Adjudicatory hearing requests must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, Juneau, Alaska 99801,

Mr. Carlos Jimenez  
Haines Borough Primary School UST

March 18, 2014

within 30 days after the date of issuance of this letter, or within 30 days after the department issues a final decision under 18 AAC 15.185. If a hearing is not requested within 30 days, the right to appeal is waived.

**Please sign and return *Attachment A* to DEC within 30 days of receipt of this letter.** If you have questions about this closure decision, please contact the DEC project manager, Bruce Wanstall at (907) 465-5210.

Sincerely,



Bruce Wanstall  
Remedial Project Manager  
State & Private Contaminated Sites Program

Attachment A: Cleanup Complete-IC Agreement and Signature Page\*  
Attachment B: Exposure Pathway Evaluation

cc: Julie Cozzi, Interim Borough Manager, Haines, via email, [jcozzi@haines.ak.us](mailto:jcozzi@haines.ak.us)  
Sally Schlichting, DEC Project Manager, via email

Mr. Carlos Jimenez  
Haines Borough Primary School UST

March 18, 2014

**Attachment A: Cleanup Complete-IC Agreement and Signature Page\***

The Haines Borough agrees to the terms and conditions of this Cleanup Complete Determination with Institutional Controls, as stated in the decision letter for the Haines Borough School District properties, dated March 18, 2014. Failure to comply with the terms and conditions of the determination may result in DEC reopening this site and requiring further remedial action in accordance with 18 AAC 75.380.

Julie Cozzi, Interim Manager

Signature of Authorized Representative, Title

3/18/14

Date

Julie Cozzi

Printed Name of Authorized Representative, Title

**Note to Responsible Person (RP):**

**After making a copy for your records, please return a signed copy of this form to the ADEC project manager at the address on this correspondence within 30 days of receipt of this letter.**

**Attachment B: Exposure Pathway Evaluation**

**Table 3 – Exposure Pathway Evaluation**

<b>Pathway</b>	<b>Result</b>	<b>Explanation</b>
Surface Soil Contact	De minimis exposure	There is no soil contamination remaining at the surface on the site above the direct contact cleanup levels.
Sub-Surface Soil Contact	De minimis exposure	Soil contamination remains in the subsurface at levels between Method Two Table B2 Migration to Groundwater and human health direct contact/ingestion levels. Future excavation requires DEC plan approval prior to beginning any work (IC).
Inhalation – Outdoor Air	De minimis exposure	Contamination remains in the subsurface, and volatile compounds are present but groundwater data indicate benzene is not migrating at levels to indicate outdoor inhalation screening levels are exceeded.
Inhalation – Indoor Air (vapor intrusion)	De minimis exposure	Buildings are not currently present and although benzene is present above MTG cleanup levels in soil, concentrations in groundwater are below Table C.
Groundwater Ingestion	De minimis exposure	Petroleum levels in intermittent groundwater at the site are below Table C cleanup levels. Groundwater does not influence a current or future drinking water source. Haines Public Works provides potable water to the area and a local ordinance requires any new construction to connect to the system.
Surface Water Ingestion	Pathway Incomplete	Surface water hydraulically connected to the site is not of sufficient quality or quantity for a potable water source.
Wild Foods Ingestion	Pathway Incomplete	The site and the urban area are not a wild foods harvest area and none of the contaminants have potential to bioaccumulate in flora or fauna.
Exposure to Ecological Receptors	Pathway Incomplete	Ecological receptors may be present in off-site wetlands but persistent water bodies are not present and COC concentrations in groundwater are below Table C cleanup levels.

Notes to Table 1: “De-minimis exposure” means that in DEC’s judgment receptors are unlikely to be affected by the minimal volume of remaining contamination. “Pathway incomplete” means that in DEC’s judgment contamination has no potential to contact receptors. “Exposure controlled” means there is an administrative mechanism in place limiting land or groundwater use, or a physical barrier in place that deters contact with residual contamination.

# Appendix G

March 20, 2014

Harbormaster Report to the Manager for March 2014

The Port and Harbor has achieved a lot over the past few winter months, in addition to removing snow and slush. We have completed the painting of the inside of the Harbor Office and restroom. We are completing the organization of the office and the sheds. We have completed the change out of all the transient electrical locks in the harbor to the same key, previously it was three different keys to work transient power locks. We have insulated one shed to keep equipment warm for working during cold weather. We have billeted the underneath of one net floats and are working on the top to make a clean surface for repair of nets. We will be repairing both net floats in the next month. We received the grant for new fish cleaning and carcass hauling and working to improve those facilities. Changed all burned out lights and electrical outlets in the harbor. Repaired the broken fuel float connection with new shear bolts and wood stringers to prevent continued damage. Completed all work to crane except for outside painting that will be completed during better weather. Worked with the electrical contractor and beginning work on the power for the tidal grid.

Lutak Dock - we have painted the inside of all the office, bathroom and compressor facilities. We have done the annual maintenance and cleaning of the compressors and tanks. Organized the garage and conex box. Cleaned up trash in the port facility and installed new led light in tower replacing broken sodium light. Both leases have nothing but praise for high capacity led light.

Letnikoff - we have removed the floats and repaired one of the new restroom doors that was kicked in.



# Appendix H

## Memo

### Public Facilities

Date: March 20, 2014  
To: Mayor and Borough Assembly  
Cc: Interim Borough Manager  
From: Carlos Jimenez, Director of Public Facilities  
Re: Project Update

#### **Borough Radio Communication System and E-911**

The Contractor is scheduled to be in Haines late March/early April to demo the current dispatch furniture and equipment. Once this is removed, new flooring will be installed in the dispatch area. The installation of the new furniture and equipment will begin in the first week of April and training will begin.

#### **High School Air Handling Unit**

Notice to Proceed has been issued to the contractor, Behrends Mechanical. The completion date for this project is August 17, 2014.

#### **PC Dock and Letnikof Harbor Upgrades**

The final pile for the new trestle was successfully driven on March 14. There will be three more piles driven for the new mooring dolphin the week of March 25. Based on communication with the cruise line agencies, tour operators, and the S.E. Stevedores the decision was made to relocate the mooring dolphin to better accommodate the use of the "breast lines" of the cruise ships. This relocation will not have an added expense. The installation of a catwalk to access the newly located dolphin will be necessary and the cost is expected to be well under \$10,000. The installation of stringers and decking continues. Work on the approach and abutment will begin in the middle of April. Work by a separate crew will begin at Letnikof in early to mid April depending on the weather. Tours of the project can be arranged by request. Please contact Carlos Jimenez.

#### **Klehini Fire Department New Septic System**

The bids for this job were opened on February 14, 2014. Whiterock Nursery was the apparent low bidder for this project. Three bids were received. This work is scheduled to begin as soon as the ground thaws in that area.

#### **Third Avenue Reconstruction**

Staff is working with PND Engineers to advertise this job within the next week or two.

#### **Allen Road AC Pipe Replacement**

The Borough has received a design proposal from Carson Dorn for the replacement of existing ductile iron and asbestos cement pipe on Allen Road. In the summer of 2013, the site was surveyed for this project. Allen Road is a state-owned and maintained road. Borough staff is working with ADOT to develop a plan that allows the Borough to work in the state ROW to undertake this work.

#### **Maintenance Facility Assessment**

Staff is working to develop a comparison of work and funding required to either renovate the existing maintenance shop or construct a new shop that would be attached to the public works shop.

### **Haines School Maintenance**

Recently the district has asked the Borough to take the time to be more involved in the day-to-day operations and maintenance of the school facility. This would ensure that if the district's single maintenance staff person were not able to be there for any extended amount of time, (including vacation), Borough staff would be able to manage the necessary operations for the mechanical components of the facility. This request from the school to assist in the maintenance has led Borough staff to assess what is best for the facility. It is my belief that it would be in the best interest of the Borough to take over the maintenance and operations of the school facility. This topic will be on the next school board meeting agenda.

### **Surplus Lumber at the Public Safety Building**

During the design phase of the PC Dock, PND Engineers estimated that the removal and disposal of the existing trestle and queuing area would cost more than \$250,000. The Assembly approved that the surplus lumber could be stored at the Public Safety Building and that sales of the lumber would commence by sealed bid. The decision was made before demolition and construction began last fall during an Assembly meeting.

The sales generated a net amount of approximately \$10,000. The remaining lumber was contracted to be taken to Community Waste Solutions for final disposal and storage. A large amount of the lumber that still remains at the PSB has been sold and is being stored with a deadline pick-up date of May 9, 2014. The rest of the lumber is contracted to be hauled away by CWS no later than June 1, 2014. Additional sales may take place before that time.

# Chilkat Center for the Arts

*A Community Facility Operated by the Haines Borough*

**(907) 766-3573**

**facsimile (907) 766-3574**

**E-mail [business@khns.org](mailto:business@khns.org)**

## **Facility Administration Report February 2014**

### **Usage:**

The Chilkat Center basement was the scene of Gepetto's Junkyard, *Lust in Space*. Well-attended and applauded, the show had four runs over the course of the weekend. Birthday parties, Northern Lights Showcase, the Drama Debate and Forensic performances all wowed the patrons and regular classes (as popular as always) are growing. It seems that yoga is vying with baseball as the national pastime and we are fortunate to have excellent teachers for all of the classes offered at the Center.

March 8<sup>th</sup>, the center will be the site of the esteemed Haines Economic Summit, open to the public and hoping to attract community members of all stripes who have an interest in the present and future of Haines. Haines Arts Council has a couple of programs scheduled and the new school Music Director has booked for the talent show at the end of the month.

The kitchen at the center has again been rented by Sarah Jaymot so we can expect to be assailed by all the wonderful baking smells coming from the kitchen as Sarah gets her shop up and running for the season.

### **Maintenance**

Some excitement in the frozen pipe division this month. We had a pipe freeze and crack sending water down the basement walls, reminiscent of a rainforest. The puppeteers, in rehearsal at the time, were wondering how to incorporate it into their program when Ed and his team came quickly on the scene. They temporarily turned off the water to the kitchen and the men's room in the lobby – challenging during the evening Northern Lights Showcase where plenty of liquid was served.

Things to keep on the maintenance list:

- \*Window in the KHNS production studio – broken during the roofing project, needs replacement
- \*Windows in the dance studio and on the north side of the building need replacement– they are worn and weary and some have had to be shut permanently to avoid the drafts. The rest have limited capacity in the insulation and opening department.
- \*The area in the basement ladies bathroom that was patched up during the conference needs to be addressed with a long term solution.

*Submitted by Facilities Manager, Kay Clements, February 2014*



<b>Chilkat Center for the Arts</b>			
<b>2/28/2014</b>			
<b>Contact</b>	<b>Function</b>	<b>Participants</b>	<b>Amount</b>
	<b>Dance Studio</b>		
Marnie Hartman	Yoga	92	180
Melina Shields	Yoga	65	120
Chorus Bishop	Seibukan Jujutsu	141	315
	<b>Lobby</b>		
SEARHC	Morning Muscles	55	120
St Michael's	Sunday Services	80	300
SEARHC	Strongwomen	49	120
HAC	Northern Lights Showcase	65	75
Debi Knight Kennedy	birthday party	15	50
	<b>Conference Room</b>		
KHNS	Board meeting	6	n/c
CCA	Board meeting	6	n/c
FCCA	Board meeting	8	n/c
	<b>Auditorium</b>		
Haines Borough School	DDF Showcase	100	150
	<b>Basement</b>		
Puppet Squad	Gepetto's Junkyard	200	\$200
	<b>February Totals</b>	<b>882</b>	<b>\$1,630</b>

## Haines Borough Public Library

January Statistics

Visits: 4,468

Monthly Circulation: 8,178

Internet Use: 928 WiFi: 661

Meeting Room Use: 28, Attendance: 129

Library Programs: 46, Attendance: 429

Non-Library Programs: 7, Attendance: 65

**Director's Report  
February 18, 2014**Updates

- On Monday, Feb. 10<sup>th</sup>, Department Heads met with the Mayor and Assembly Members for initial discussions about the upcoming budget process. Assistant Library Director, Rebecca Heaton attended, sharing a short PowerPoint of activities in the library and statistics. Our request is to continue to provide the services and access to information our library users have come to expect.
- We resubmitted our previous CIP requests to reiterate their importance: 1) Mechanical controls (which I was recently informed may be done before the end of this fiscal year) and 2) a new telephone system to include cordless phones and teleconference equipment. Both of these items are on the current 6-year CIP list. We did not submit a technology request this year.
- The carpet was cleaned and tiles in the main foyer and restrooms were steam cleaned then sealed on February 15-17. In addition to cleaning and resealing the tiles, some caulking and grouting work was done to maintain the tiles and seal. We have been given enough cleaner for the tiles for 6 months and Nishan will instruct our custodian in its use. On Monday, carpet in front of the public computers was cleaned a second time. We had volunteers that assisted library staff with moving the furniture and also helped A&J Enterprises with the vacuuming and cleaning. Money from the Friends of the Library will be used to cover these costs which total \$5,744.
- Gordon Whitemore has begun construction on the storage drawers that will be located under the display case. He plans to be done by April 1. The project is funded totally by the Friends of the Library.
- The Building Committee and other interested board members met with Corey Wall on Friday, January 24<sup>th</sup>. Corey was in Haines for the week-end and took the opportunity to meet with other departments and entities in Haines. Library funds covered half of the cost of his travel. I did request that others assist in helping us with these travel costs but have not received any responses to this request as yet.
- On Saturday February 8<sup>th</sup>, volunteers met with Janine Allen for a refresher training to keep us all on the same page as changes are being made.
- Erik and I both had a positive experience at the Tribal Telecom and Technology Conference. This was the first year that libraries were included in the program format and from the positive comments after our panel, it is clear that the invitation will continue to be extended. When we were done, a number of people thanked us for the

## Haines Borough Public Library

work that we are doing and said our presentation gave them “chills” because it is exactly what they would like to see happen in their communities.

### **Program Highlights**

- On February 13<sup>th</sup>, we hosted a second Privacy Forum, this time with the Anchorage Public Library and OWL. Jessie worked with an APL staff member and Mike Robinson of UAA, who is also the Alaska Library Association chair of the Intellectual Freedom Committee, to organize the event. Thirty-five people participated in the forum and discussion. On Friday, members of the AKLA list serve posted positive comments about the program and are looking to follow up with some of the discussion at the upcoming AKLA conference.
- February 5<sup>th</sup> was proclaimed Digital Learning Day. Libraries and schools throughout the nation participated in the event with special programs. This year Jessie and Jedediah planned an event to introduce new features in Mango Languages. It is now scheduled as a 4-week series called Mango Mondays.
- Haines, Craig and OWL were featured on Alaska Public Radio after the Shakespeare Reader’s Theatre. The link to the radio broadcast was immediately on the OWL Facebook page. Thanks to Margaret Friedenauer for taking an interest in the OWL project and sharing the story with the rest of the state.

### **Upcoming**

- Jessie, Erik and I will be attending the Alaska Library Association Conference from February 27-March 2. We will be offering a session on the Storyboard project. I will also attend meetings for the Alaska Library Network Board and the Alaska Library Association Board as well as participate in two other panels.
- National Library Week is April 13-19. The theme this year is Lives Change @ Your Library. I am looking for library board members interested in planning the volunteer thank you dinner.

**Haines Borough Public Library**  
**Approved Meeting Minutes**  
**1/15/2014**

Present: Cecily Stern, Patty Brown, Diane Lapham, James Alborough, Stacey Gala, Anne Marie, Lorrie Dudzik, Meredith Pochardt, JoAnn Ross Cunningham  
Excused: Heather Lende, Dick Flegel

Call to Order: 4:05pm

Additions or Revisions

Add Library org chart to Items for Discussion

Consent Agenda Items

M/S Dudzik/Pochardt to approve the agenda as amended. All approved.

Financial Report

Checking: \$6,376.99

Savings: \$34,726.38

All accounts are in the process of being closed (by early February)

Funds from savings and CDs will be moved to the Friends because they are historic donations.

Budget process will be a little different this year due to the library's status as a department.

Treasurer can still report on income and expenses.

Items for Discussion

Review of Library Bylaws

Bylaws will need some changes based on new status as department.

Signature cards sentence will need to be stricken (e).

Remove the amended and adopted date.

Add the bylaws as a preface to our policy manual so that it is periodically reviewed.

M/S Alborough/Dudzik to approve the amended bylaws. All approved.

Ordinance 14-01-363: Board Vacancies

The ordinance moved through the borough process and will be up for public comment. The current wording takes the board's concerns into account.

Suggestion for the board president to send a letter the assembly and mayor expressing our support for the ordinance.

Library Org Chart

Patty passed out the suggested revised new org chart that was sent by Julie.

The new chart changes the relationship between the mayor, manager and board. To be discussed in the Borough personnel committee meeting on the 27th of January at 2pm.

Board expressed desire to remain as a personnel-recommending and policy-making board.

Diana requested to add board members to the org chart.

#### Board Member Terms

Question was raised about rotating officers and a schedule of officer-ships (e.g. President, President-Elect, Past President)

In our current setup, Vice President would become the President-Elect.

This will need to go into the Policy manual.

Term limits: all board members in the borough will have 3 year terms. This does not represent a change, but formalizing it aligns us with the borough.

#### Election of Officers

Proposed slate for 2014:

President (one year term): Heather Lende

Vice Chair/President-elect (one year term): James Alborough

Past-president: Anne Marie

Treasurer: Dick Flegel

Secretary: Lorrie Dudzik

M/S Alborough/Gala to approve the slate. All approved.

#### Meeting Dates for Building and Budget Committees

Building committee will be meeting on Friday January 24 at 11 am with Corey from MRV.

Policy committee will meet before our next meeting. Date TBD.

Budget committee meeting TBD once we get the forms from the Borough.

#### Planning/Visioning

Work continues with storage addition/expansion. Building committee met briefly with Corey from MRV to arrange a site visit next week.

#### Other

Radio: Jan 17 (Meredith), Jan 24 (James), Jan 31 (Friends)

#### Board Comments

Lorrie reminded folks of the OWL Shakespeare reader's theater.

Anne Marie expressed her thanks and the board reciprocated.

#### Director's Comments

None.

Next Meeting: Wednesday Feb 19, 2014 4pm

#### Adjournment

M/S Stern/Gala to adjourn at 5:17pm

Date: March 10, 2014

Re: FY14 Annual Report, Riverview Drive RMSA

To: Haines Borough Assembly Members, Mayor and Interim Manager

There were two Riverview Drive RMSA Meetings in FY14, on 8/12/2013 and 3/6/2014.

### MINUTES

8/12/2013 at Mosquito Lake School, 9:00 a.m.

**Board Members Present:** Marianne Rasmussen, Dave Pahl

**Others Present:** Greg Rasmussen, Teresa Visscher, Carol Pahl, Aimee Jacobsen, Jennifer and Kyle Canfield

**Call to Order:** By Dave 9:07 a.m.

#### **Proceedings:**

Discussion centered on our options for snow removal. There was consensus that:

- (1) Snowplowing by road residents when possible, was preferred over call-outs to keep costs down.
- (2) The snow removal bid in addition to plowing services should include equipment capable of pushing back snow berms.
- (3) Call-Outs will continue to be by RMSA Board Members only.

There are two positions open on our board. The question arose whether the Borough would accept a married couple sharing the role of one RMSA position (one vote)?

Motion to adjourn the meeting by Dave at 9:43 a.m. and Marianne seconded.

## MINUTES

3/6/2014 at Mosquito Lake School, 3:15 p.m.

**Board Members Present:** Marianne Rasmussen, Scott Visscher and Dave Pahl

**Others Present:** Greg Rasmussen, Carol Pahl, Jennifer Canfield and Annie Ennen

**Call to Order:** 3:22 p.m.

### **Proceedings:**

Our road was remarked to be “in the best shape it has ever been in”. Residents expressed their gratitude over the Borough’s upgrade to Riverview Drive, last Fall. Also thanks to Borough Projects Manager, Carlos Jimenez, who brought all the details together to accomplish the project. We appreciate that Carlos will check the road’s condition during break up. Culverts were planned but not placed during the upgrade in an area where road damage has occurred most years by water flowing onto the road and deeply cutting the roadbed surface. The snow removal bid-operator came in January and pushed back the snow berms. We anticipate requesting another push back, to assist drainage before break up. Motion to add \$3000.00 to our road fund for FY15, made by Dave and Marianne seconded.

Scott Visscher is an asset to this board and has served a number of years. He is easily approachable, open to all points of view and there are many instances of his voluntary efforts to assist his neighbors. Scott is willing to serve and everyone present at this meeting expressed the desire that he be confirmed to continue as a member of our board. Motion to recommend Scott Visscher be re-appointed made by Marianne, seconded by Dave.

Motion to adjourn made by Dave at 3:42 p.m., seconded by Scott.

This concludes the Annual Report for FY14.

Sincerely,  
Riverview Drive RMSA Board Members:  
Marianne Rasmussen  
Scott Visscher  
Dave Pahl



**Haines Borough  
Planning Commission Meeting  
February 13, 2014  
MINUTES**

**Approved**

1. **CALL TO ORDER/PLEDGE TO THE FLAG** – Chairman **Goldberg** called the meeting to order at 6:30 p.m. in Assembly Chambers and led the pledge to the flag.
2. **ROLL CALL** – **Present:** Chairman Rob **Goldberg**, Commissioners Don **Turner III**, Lee **Heinmiller**, Robert **Venables**, Danny **Gonce**, Heather **Lende** and Andy **Hedden**.

**Staff Present:** Carlos **Jimenez**/Director of Public Facilities and Tracy **Cui**/Planning & Zoning Technician III.

**Also Present:** Scott **Sundberg**, Kim **Sundberg**, Margaret **Friedenauer**, Nick **Trimble**, Chris **Nagy**, Shanah **Kinison**, Lee **Nash**, Erika **Merklin**, Shawn **McNamara**, Becky **Hunt**, Tim **Ward**, Thom **Ely**, James **Sage**, John **Floreske**, Ken **Waldo**, Bill **Kurz**, and Debra **Schnabel** (Liaison), etc.

3. **APPROVAL OF AGENDA**

**Motion:** **Turner** moved to “approve the agenda”. **Heinmiller** seconded it. The motion passed unanimously.

4. **APPROVAL OF MINUTES** – January 9, 2014 Regular Meeting Minutes

**Motion:** **Venables** moved to “approve the January 9, 2014 Regular Meeting Minutes.” It was amended to add “in a defined period of time” in the end of the second paragraph of 10B1. **Gonce** seconded it. The motion passed unanimously.

5. **PUBLIC COMMENTS** – None

6. **CHAIRMAN’S REPORT**

**Goldberg** said he would like to talk about some draft ordinances that were recommended to the Assembly. The “construction declaration” ordinance was passed, and it will become effective on May 1, 2014. However, the “setback regulations in general use zone” ordinance was sent back to the commission.

**Schnabel** said there is a concern from the Assembly. Establishment of a setback ordinance is identified as a regulation, and regulations need to be enforced. However, enforcement of a setback regulation in general use zone may become a problem because currently the Borough does not have land use permit applications in general use zone. She would like to work with the Planning Commission to address this concern.

**Schnabel** said she has a few more things to report to the commission. The Mayor requested the Planning Commission appoint a chairman for the Downtown Revitalization Committee (DRC). In addition, she said there are several construction projects coming up this summer, such as 3<sup>rd</sup> Ave construction project. The Assembly would like the Planning Commission to review and comment on those projects.

7. **STAFF REPORTS**

- A. **Planning & Zoning Report**

**Cui** reported recent permitting and enforcement activities.

## 8. **PUBLIC HEARINGS**

### A. **Scott Sundberg – Heliport Conditional Use Proposal**

**Goldberg** read the Borough Interim Manager's recommendation letter to the audience. The recommendation is to grant a short duration permit of one year be considered to provide a trial period.

Before opening the public hearing, **Goldberg** said this conditional use proposal is for the installation of a heliport at 26 mile; all the other proposed activities, such as lodges, accommodations, and snow cats, in this permit application are allowable uses as "use by right" under the Borough code. The issue is whether or not the Borough should allow the installation of a heliport on this property.

**Goldberg** opened the public hearing at 6:51 p.m.

Big Salmon Ventures representative **Sundberg** stated that they brought this plan back to the Borough two years later because they have made attempts to mitigate a few things. They are not trying to change people's lives permanently in a negative way; they only hope to bring more winter recreational opportunities to Haines in the long term. **Sundberg** said a "one-year trial" is a great possibility; however, they feel the conditions set forth in their proposal will prove that this is a beneficial activity on this particular site and prefer to receive a long-term permit.

**Ely** said if he bought a piece of land in a rural residential area, he would not expect his neighbor to install a heliport next door to him. Also, he does not believe the sound testing mentioned in the packet was professional. This proposal was rejected by the Planning Commission two years ago, so he thinks the applicant needs to move on.

**Nash** expressed his concerned about the noise pollution and increased traffic issues.

**Merklin** said she agrees with **Ely**. She feels if the proposal is approved, the developer will ask for more and more, and it will never be the end. She also expressed her concerns about who will monitor this, and what the consequences for violating the contract would be. She said she does not support this proposal, and the majority of the residents in this neighborhood do not support it either. She said she supports the heli-ski industry development in Haines, but she just does not support it in neighborhoods.

**Ward** said he is one of the property owners in this area. He wants to see this proposal approved.

**Nagy** said she is one of the property owners around Mosquito Lake. She does not want to see this happen. She expressed her concerns regarding quality of life. She also questioned who will be responsible for monitoring this activity. Because this kind of proposal keeps coming up, she suggested the commission consider installing a public heliport out of this neighborhood.

**Kurz** said he used to be one member of the Planning Commission in 1989. He wants to clarify that the proposed site is not in a rural residential zone; it is in a general use zone which is intended to allow as broad a range of land uses as possible. About the safety issues, he said a helicopter is a little bit safer than a car. He thinks what **Sundberg** is trying to do will become an asset to the community.

**Hunt** said she has lived at 26 mile for 18 years. The homeowners who opposed this plan two years ago have not changed their minds; it seems like the only thing that has changed is Sundberg's insistence to realize his plan.

**Kinison** said she and her husband just bought a piece of land at 26 mile. The noise created from the heliport will disturb their life.

**Waldo** said he owns a property about 3.5 miles away from the proposed site. He thinks Sundberg's proposal is a good thing. He said the Borough cannot keep shutting everything down.

**Sage** said he has lived in Haines for 47 years. He thinks it is a real good thing to Haines.

**Trimble** said they are trying very hard to make a good thing happen in Haines. He wants to mention that this heli-ski company has nothing to do with the cruise-ship helicopter tourism, so people do not need to worry about increasing traffic in this area. SEABA plans stay in a small operation, desiring their customers to stay at the resort for a minimum of one week. They do not plan to establish a high frequency operation with a high volume of customers. Also, he said they conducted decibel testing for the proposed helicopter landing area with one member of the Planning Commission last year, and the readings in the decibel meter were low. He would like the Planning Commission to request more decibel tests to confirm his statement.

More public comments ensued.

**Goldberg** closed the public hearing at 7:36 p.m.

**Goldberg** said there are eight criteria to be considered in deciding whether or not to grant a conditional use permit. The Planning Commission's job is to look into the code, and to find out if each of the criteria is met. He asked **Gonce** to talk about the day he did the decibel testing with **Trimble** and what he found out.

**Gonce** said he wrote down as much of information as he can about the equipment, the readings, and the locations. As far as his observations, the volume created with the helicopter was very low. The readings were lower than he expected.

**Merklin** said she definitely noticed there was a helicopter coming and going on that day.

**Venables** said he would not support to grant a conditional use permit as requested, but he would like to see a temporary permit to be monitored by the Borough. The purpose of the landings will be to assess the actual impacts of noise on nearby residences. He said it is premature to grant a long-term permit at this time.

**Lende** said she is in favor of the suggestion of choosing an appropriate location and installing a public heliport.

**Hedden** said he agrees with most of the information in the Borough Interim Manager's recommendation letter. He believes that noise is an issue. He does not think the decibel testing meter is a perfect tool.

**Motion:** **Hedden** moved to "approve the conditional use permit for a period of one year with the conditions that are stated in Big Salmon Ventures' application", **Turner** seconded it.

**Gonce** said the last time this proposal came to the Planning Commission he voted to against it for a few reasons. One of the reasons is the noise. However, after his trip to the site, he believes the new proposed site will greatly mitigate the sound to the neighbors.

**Primary Amendment:** **Gonce** moved to “only allow one company to use the site at a time, and all landings shall be no closer than 1,100’ to the centerline of Chilkat Lake Road”, **Turner** seconded it. The primary amendment passed 6-1 with **Goldberg** opposed.

**Goldberg** said he does not think this “one-year trial” will work well. If the Planning Commission approves a one-year conditional use permit, the developer probably will invest in infrastructure. The Planning Commission will have to go back to deal with this again after one year if the neighbors complain about the noise. Also, the Planning Commission shall make its decision based on the eight criteria outlined in the code. Criteria 1 reads “the use is so located on the site as to avoid undue noise and other nuisances and dangers.” A few homeowners have given their comments that they heard helicopters from inside their homes, so obviously the noise is subjective. He thinks Criteria 1 has not been met.

**Turner** said he thinks the “one-year trail” is a better option. This will help to determine the actual impacts to the area.

The main motion failed with **Goldberg**, **Heinmiller**, **Lende**, and **Venables** opposed.

**Motion:** **Venables** moved to “For 2014, the Planning Commission recommends the Assembly authorize the Borough Manager to issue a temporary conditional use permit that allows for a limited, pre-approved, borough-monitored number of random landings, incorporating conditions offered by the Big Salmon Ventures, only allowing for one company to use the site at a time, with all landings to be at least 1,100’ from the centerline of Chilkat Lake Road to gauge actual impacts, between 8:30 a.m. and 4:30 p.m. with continued noise measurement and monitoring”, **Gonce** seconded it. The motion passed 6-1 with **Goldberg** opposed.

**Goldberg** called a five-minute recess.

9. **UNFINISHED BUSINESS** - None

10. **NEW BUSINESS**

- A. **Historic District/Building Review** – None
- B. **Haines Borough Code Amendments** – None
- C. **Project Updates** – None
- D. **Other New Business**

1. **Classification of Borough Lands for Sale**

**Schnabel** said this topic was brought up during the discussion of the permanent fund at the Assembly meeting. It was pointed out the permanent fund will grow by selling land, so the Assembly requested the commission identify some of the Borough properties that may be considered to classify for sale.

**Gonce** said he thinks it is not a good investment to sell properties in Haines Borough during this period of economic decline because there are too many real properties for sale right now.

More discussion ensued.

The Planning Commission will discuss this item at the April's Planning Commission meeting. The Borough land management department staff will be encouraged to attend.

## **2. Possible Identifying of a Motorized Park within Townsite Service Area**

**Turner**, speaking for motorized recreational users, said that people are not interested in driving around in circles on a lot in town. They are interested in longer trips up the valley. He is more concerned about losing the right to motorized use of public land, as has happened in Juneau.

The Planning Commissioners discussed this possibility and decided that it is not a good idea. There were also concerns expressed about the terrain and soils in the Townsite Service Area not being suitable for off-road vehicles, and about the Borough's liability risk from injuries.

## **11. COMMISSION COMMENTS**

**Venables** asked some questions about the enforcement order issued to William Chetney. **Cui** explained she received a phone call from Kim Chetney a few weeks ago stating this is a simple misunderstanding because she purchased the property in October of 2013, she is not operating a vacation rental business, and she has no intent to operate any lodging business on her property in the future. **Cui** said she will draft a letter to rescind the enforcement order. **Gonce** said he would like to review the letter at the next regular meeting.

**Lende** volunteered to fill the vacant seat on the DRC. The other commissioners supported it and appreciated her offer.

The Planning Commission was appalled that the new commissioner **Lende** was charged \$67 for having to go to King's Store to have a copy of the Comprehensive Plan printed. There should be a Comprehensive Plan assigned to every Planning Commission seat. The Borough should issue a refund and request Rob Miller return that copy of the Comprehensive Plan to the Borough.

## **12. COMMUNICATION - None**

## **13. SET MEETING DATES – The next regular Planning Commission meeting is scheduled for 6:30 p.m. on Thursday, March 13, 2014.**

## **14. ADJOURNMENT– 9:27 p.m.**

Haines Borough Assembly Committee Meeting  
 Committee: Commerce  
 Assembly Chambers

Date: Tuesday, March 11, 2014

4 pm

<p><b>Issue:</b> To review the Manager’s recommendation to permit AK Helisking and SEABA to use previously closed area in a special event. Progress of the meeting is indicated in the notes attached and made a part of these minutes.          At the invitation of the Chair, Ryan Scott of AK Dept. of Fish &amp; Game reported by teleconference. The Department is currently conducting research on goat behavior in the areas identified. The Dept. does not recommend heliski activity in the area prior to April 1. At the invitation of the Chair, Tim Thomas provided a visual report on the snow conditions within the heliski area, comparing “good” years to this year. Avalanche danger is high.          Members of the audience who did not submit written testimony on the subject were invited to speak. The Chair addressed Scott Sundberg, SEABA, about proposed elements of the special events.</p>	
<p><b>Recommended Action:</b> To recommend that the Assembly support with Manager’s recommendation to allow AK Heliskiing and SEABA to operate within areas 1, 2 and 21 from March 21 through April 10, providing that the companies cooperated with AK Dept. of Fish &amp; Game re: information, provided a report to the Borough on the economic impact of the special event.</p>	<p>Who: Chair report to Assembly          When: Regular Meeting March 11</p>

Meeting Chaired by Debra Schnabel Minutes by Debra Schnabel  
 Committee Members Attending: Jerry Lapp, George Campbell. Assembly member Diana Lapham  
 Staff Attending: none  
 Citizens and Consultants: Approximately 50 citizens...authors of correspondence reviewed at meeting and addressed as indicated in the attached notes to meeting.

**We are here because we regulate heliskiing and commercial tours.**

**5.18.080 Commercial ski tours, commercial ski productions and special ski competition events.**

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G. Temporary Additions to Approved Commercial Ski Tour Areas.

1. A permittee may request the addition of territory to the "Haines Borough Approved Commercial Ski Tour Areas" map for a special ski competition event. All such requests shall be made only during a season and shall expire at the end of that season. Requests shall be submitted to the manager. All requests shall be in writing, be accompanied by a diagram showing the proposed additional area with reasonable specificity and shall explain the reasons for the proposal.
2. No later than seven days after receipt of a request submitted in compliance with subsection (G)(1) of this section, the manager shall prepare a written recommendation to the assembly.
3. The assembly may act on the manager's recommendation by resolution. If the assembly approves the temporary addition of territory, the "Haines Borough Approved Commercial Ski Tour Areas" map shall be amended by designating the additional territory as "temporary" and identifying the dates for which the additional territory is approved.

---

Proposal:

SEABA and Alaska Heliskiing have proposed opening closed territory for a Special Event they have named Make it Live! It is photography contest.

Proposed Competition:

Who participates? All heliski clients

Potential Sponsors: Powder, Ski (magazines) Smith, Armada (gear) Helicopter operators

Prizes: Gear, Helicopter Time

Marketing: Internet, Social network

Requested Areas:

Area	Open	Closed	Proposed
#1 South : Pyramid			2013: to complete run
#1 North: Pyramid			2013: to complete run
#2 Haska Bowl	2005	2011	2013: efficiency & safety
#8 Tahkin Ridge South		2008	2013 w/ concurrence CIA - denied
#9 Tahkin Ridge North/Chunacuqleek	State SUD	2008	2013 w/concurrence CIA – denied
#21 Four Winds Mountain	Partial, additions in 2005		2013: access did not add impacts 4 Miles from Mosquito Lake
Ferrabee	Partial		The identified area is not viable without additions

Dates: March 21 – April 21

Stated Purpose of Request:

1. Win trust
2. Generate inspiration
3. Fire Up the adventure Bug in every amateur and professional photographer
4. Save the season, economically
5. Put Haines back on the map in a positive world light.

Rationale for Opening new terrain: (1) credibility for photographers...this is a new offering

Counter:

- \* 7/23/13 map additions adequate for new terrain...not credible?
- \* When event is concluded, areas closed, how will industry combat the demand to go to those areas that are photographed and circulated in publications and media?

(2) “We want you here. We are open for business. We understand how important our winter industry is to our community, and we are willing to give incentives to help it out...”

Counter:

\* Under what conditions are deregulation justified? Compare fishing or hunting, floods, no snow, etc.

(3) We need more area to choose from as a safety standard. Due to weather conditions, there are diminished areas of safe operation due to weather conditions. "At 2500 ft. there is approx. 1.5 meters of snow in protected areas. While this is enough to ski on, it is not enough to bury dangerous features, and create adequate snow bridging in glaciated terrain. It also creates a snow pack that becomes more volatile as it is thin and can create greater temperature gradients." Avalanche danger is real, but not "contiguous across the commercial terrain."

Counter:

\* Can we demonstrate that the currently closed areas do not present the safety concerns that the existing areas evidence?

(4) More positive and memorable impression.

"When you research Haines Heliskiing on Google and other search engines, often times you pull up the fatal and accidents from the past few seasons, and well as all the other negativity that in constantly being aired out by the opponents of this industry."... "By having spectacular photographs, sort movies and people sharing experiences...we stand to put a better brighter and more positive face on Haines!

Counter:

\* facts are neither good nor bad...the fact of fatalities are reported by journalists and statisticians professionally responsible for life and death. These are not opponents of the industry.

\* Haines Borough spends \$140,000 annually advertising as "Adventure Capital of Alaska." Haines has volumes of good press. Is it the government's role to "fire up the band and let the world know that we have snow"?

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Manager's Recommendation:

Area 1            Yes  
Area 2            Yes  
Area 21          Yes  
Area 8            No  
Area 9            No  
Ferrabee        Did not address...assume No  
Dates: March 21 – April 21

PUBLIC INPUT: Acknowledge correspondence

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Categories of Objection:

1. Impact to Wildlife during birthing and denning: goats, bears, birds. Ongoing goat studies...
2. Not the role of Government to rescue an industry from the vagaries of Mother Nature
3. Concept lacks integrity: code was intended for bonafide ski events, not photography. Marketing is at cross-purposes to conditions: websites advertise good snow conditions. Competition is not well planned or advertised
4. Disregard for the processes of setting boundaries, community support in creating the maps, consideration makes a "mockery" of management
5. Visual and Audial impacts are too severe
6. Personal issues with applicant: found in violation of operating guidelines, lack of trust of operators.
7. Displaces competing recreational groups
8. In conflict with Comprehensive Plan

Categories of Support:

1. More terrain disperses the risk
  2. Economic viability for community overall
  3. Support for industry: it is the role of government to support industry
  4. Supported by Comprehensive Plan
- 

Consideration given to Recommendations:

Areas

Dates

Financial participation

Reporting



**Haines Borough  
Assembly Agenda Bill**

**Agenda Bill No.:** 14-432  
**Assembly Meeting Date:** 3/25/14

<b>Business Item Description:</b>	<b>Attachments:</b>
Subject: Request to Authorize Temporary Addition of Areas to Ski Tour Map for a Special Competition Event	1. Resolution 14-03-544, as amended 2. Permittee Requests 3. Interim Manager Recommendation to Assembly 4. Communications from Requesting Companies 5. ADF&G Opinion of Ferebee Area 6. Maps 7. Other Comments
Originator: Interim Borough Manager	
Originating Department: Administration	
Date Submitted: 2/26/14	

**Full Title/Motion:**  
Motion: Adopt Resolution 14-03-544.

**Administrative Recommendation:**

**Fiscal Impact:**

Expenditure Required	Amount Budgeted	Appropriation Required
\$	\$	\$

**Comprehensive Plan Consistency Review:**

Comp Plan Policy Nos.:	Consistent: <input type="checkbox"/> Yes <input type="checkbox"/> No
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**Summary Statement:**

AK Heli and SEABA submitted joint requests asking for the temporary addition of map areas for a special photo/ski competition event. The interim manager recommended the assembly consider approving the addition of only Areas 1, 2, & 21 for the requested time period.

On 3/11/14 the amended resolution for the special ski event failed. During the second portion of this meeting on 3/12/14, the vote was successfully reconsidered, further amended, and postponed to the 3/25/14 meeting. Since that time, SEABA has withdrawn from the request. The attached resolution shows all the approved amendments to date.  
(Please note: The suggested area map is rough.)

**Referral:**

Sent to: Commerce Committee	Date: 2/25/14
Recommendation: TBD	Refer to: Meeting Date: 3/11/14, 5:00pm

**Assembly Action:**

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 3/11/14 & 3/25/14	Tabled to Date:

**A Resolution of the Haines Borough Assembly approving the temporary addition of territory to the Commercial Ski Tour Areas map to allow for a 2014 special ski competition event.**

**WHEREAS**, HBC 5.18.080(G) provides a means for a commercial ski permittee to request the addition of territory to the Haines Borough Approved Commercial Ski Tour Areas map for a special ski competition event; and

**WHEREAS**, the interim borough manager received a joint request from Alaska Heliskiing and SEABA initially on February 18 followed by requests with more specificity on February 21 and 25, and the request was for the temporary addition of Areas 1 and 2 (Pyramid Harbor Valley and Haska Creek), 8 and 9 (Takhine Ridge), and 21 (Four Winds) to the map for a March 21 through April 10 time period; and

**WHEREAS**, the code-prescribed procedure requires the manager to prepare a written recommendation to the assembly no later than seven days after receipt of the request, and the interim manager submitted the recommendation on February 26; and

**WHEREAS**, the interim manager recommended the assembly consider temporarily adding Areas 1, 2, and 21 for the requested time period but did not recommend Areas 8 and 9 because when the current map was adopted in July 2013 the assembly made Areas 8 and 9 contingent on the consent of the Chilkat Indian Village (CIV) which subsequently declined that consent; and

**WHEREAS**, the code states assembly action on the manager's recommendation is to be by resolution; and

**WHEREAS**, if the assembly approves a temporary addition of territory, the Commercial Ski Tour Areas map shall be amended by designating the additional territory as "temporary" and identifying the dates for which the additional territory is approved; and

**NOW, THEREFORE, BE IT RESOLVED** the Haines Borough Assembly:

Section 1. Approves the temporary addition of the following territory to the Commercial Ski Tour Areas map: Area 21; and

Section 2. Limits the temporary addition to the following time period: March 21 through April 10, 2014.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Stephanie Scott, Mayor

Attest:

\_\_\_\_\_  
Michelle L. Webb, Interim Borough Clerk

2/25/14

To: Julie Cozzi, Haines Interim Borough Manager  
Re: Proposed Make It Live! Photography Competition

Julie,

Alaska Heliskiing enthusiastically supports the proposed Make It Live! Photography competition proposed by Scott Sundberg and SEABA. Everyone is well aware of the challenges the heliski industry in Haines has faced after the past two seasons, and now we are faced with less-than-ideal weather conditions. Heli operations in other parts of the State, as well as heli operations in Canada continue to grow and refine their marketing skills which is making the overall task of persuading customers to choose Haines more difficult. It would help our own marketing efforts to be able to generate some excitement fueled by the possibility of more varied terrain opened for this proposed contest.

- Referring to the Borough's 2014 Commercial Ski Tour Map, we are interested in opening areas 1,2,8,9,and 21 for the time period of March 21<sup>st</sup> through April 21<sup>st</sup>.
- The photo contest would be open to all heliski clients visiting Haines during the proposed time period.
- The judges of the contest would be one representative from SEABA, one representative from Alaska Heliskiing, and a representative from a sponsor company. Potential sponsors include various ski magazines such as Powder or Ski, or a gear/equipment manufacturer such as Smith or Armada.
- Entrants would be separated between professional photographers and recreational photographers.
- Prizes would include gear provided by sponsors and helicopter time donated by AH and SEABA.

The best part of this contest is that it has the potential to become an annual event, bringing the revenue of more guests to our local economy.

Thanks for your consideration,

Ryan Johnson  
Alaska Heliskiing GM/co-owner

**From:** Sunny Sundberg [mailto:sunny@seaba-heli.com]  
**Sent:** Friday, February 21, 2014 7:16 AM  
**To:** Julie Cozzi; Darsie Culbeck  
**Subject:** special event concept and benefit

More on the Make it Live! competition.

Alaska Heliskiing and SEABA decided together that after the dramatic loss of snow pack in January of 2014, and the horrible exposure that Alaska received on the web concerning Alaska's 3 rd warmest winter on Record,( there were also stories ran in the Washington Post and the New York Times).We had to collectively put something out there that would win the trust, generate inspiration, and fire up the adventure bug in every amateur and professional photographer that we could possibly reach in order to save the season and put Haines back on the map in a positive world light.

Conclusion? Special Event

We are taking it a step further, asking the assembly to open up temporary terrain, for a few reasons.

We are asking for expansion for the following reasons:

1. A special Event with a grand prize generates interest, but for veterans of the Haines heliski and commercial film industry, opening up new terrain, or at least terrain that has not been opened in years, could get some credibility from not only the photographers but from their followers for this effort. This accomplishes a few things for Haines. When ski clients and professional photographers are trying to make a decision of where to go skiing in a "questionable" Alaska, they might choose Haines, over the 6 other destination locations in AK because we have something new to offer them.
2. Not only is the Haines borough offering up a new product so to speak, they are also saying to heliskiers, come to Haines, we want you here, we are open for business. Your saying, "We understand how important our winter industry is to our community, and we are willing to give incentives to help it out, as well as give the clients, the true bread winners of the winter economy, something in return.
3. The January thaw was almost a record, and in some areas of the state between Haines and Girdwood it was. Incredible high temperatures at altitude, nearly 50 degrees at 6,000 feet in the cost range, coupled with extended temperature inversions, and very heavy rainfall, created massive melt throughout the Coast mountains. In Haines, and other coastal communities like Cordova and Valdez, we went from a record December for snowfall to a snow pack that resembles early December. Flight over the terrain likened it to early November on the glaciers around 2500 feet, where extensive crevassing prevents many normal ski runs to be accessible. Outcome; diminished areas of operation that are safe. This included the snow pack in overall. At 2500 feet there is approximately 1.5 meters of snow in protected areas. While this is enough to ski on, it is not enough to bury dangerous features, and create adequate snow bridging in glaciated terrain. It also creates a snow pack that becomes more volatile as it is thin and can create greater temperature gradients

4. Our concern for this season avalanche hazards stem from this scenario. A very hard cold layer that formed after the thaw and very cold temperature plunge in February could not receive new snow very well. Some areas experienced large surface hoar growth, a persistent weak layer in which poor bonding occurs. This layer if not flushed out by cycles of snow, (lots of new snow fall) could persist and lay in wait to be triggered. This is not contiguous across the commercial ski terrain, but could prevent yet another large area to be used by the industry. Our preference for the clients that we do have booked and the clients that may come if word gets out that there is good snow to ski, is to have as many areas to choose from as a safety standard.
5. Another goal of the competition of special event would be to create a more positive and memorable impression on adventure clients that are looking to travel. When you research Haines Heliskiing on Google and other search engines, often times you pull up the fatal accidents from the past few seasons, as well as all the other negativity that is constantly being aired out by the opponents of this industry. We as a community need to fix this impression that reaches all over the world. By having spectacular photographs, short movies, and people sharing experiences being sent over the web and shared with the participants social network, we stand to put a better brighter and more positive face on Haines! We must remember that this is a global market, and at any given point, we can be recognized by the world, it is our choice to make that impression the best!

So I would say it is time to roll out the red carpet, fire up the band and let the world know that we have snow, we are opening terrain to help the industry operate safely and create incentives for clients to choose Haines!

Sunny

--

Scott Sundberg  
GM /Lead Guide  
SEABA LLC  
[www.seaba-heli.com](http://www.seaba-heli.com)  
907 314 0445

**From:** S Diggity [mailto:heliskialaska@gmail.com]  
**Sent:** Tuesday, February 18, 2014 10:06 AM  
**To:** Julie Cozzi  
**Cc:** Sunny Sundberg  
**Subject:** Event

Hello Julie and borough assembly.

Alaska Heliskiing is excited to participate in this event! I have always believed that these areas around 4 winds, talkin and haska creek hold the most amazing ski terrain and the photos and film we used to get in these places hasn't been equalled since.

We are completely in support of opening up some more terrain this season. The lack of snowfall this year and reduction of allowable use area over the years has made the activity less safe because we have lost many of our choices. This condition has resulted in overcrowding the backcountry and created a competitive atmosphere for the available terrain that is left, and that in itself has eroded the quality and safety of the heliskiing experience in Haines. The answer is right before our eyes across an imaginary line of denial and has been a source of sadness and frustration for all of us in the industry for many years.

Please consider and approve this request for a one year access to these previously closed ski areas and I can promise you that Alaska Heliskiing will do everything we can to respect others and we will be forever grateful. Thank you.

In conjunction with both companies, Alaska Heliskiing and SEABA we are going to advertise a special ski competition event in which both amateurs and professional still and motion photographers can use their skills at acquiring the best photo or motion film that highlights Haines Alaska as the best and most scenic place to heliski.

Photos and videos will be judged based on their quality, content, and their exposure to social media platforms. This includes but not limited to Facebook, Twitter, Instagram, Google +, and others.

By opening these areas, photographers and cinematographers will be more likely to participate, as these areas have not been available for years, and it would add incentive to developing a great marketing platform for Haines Alaska, its winter industry, and its world wide web exposure.

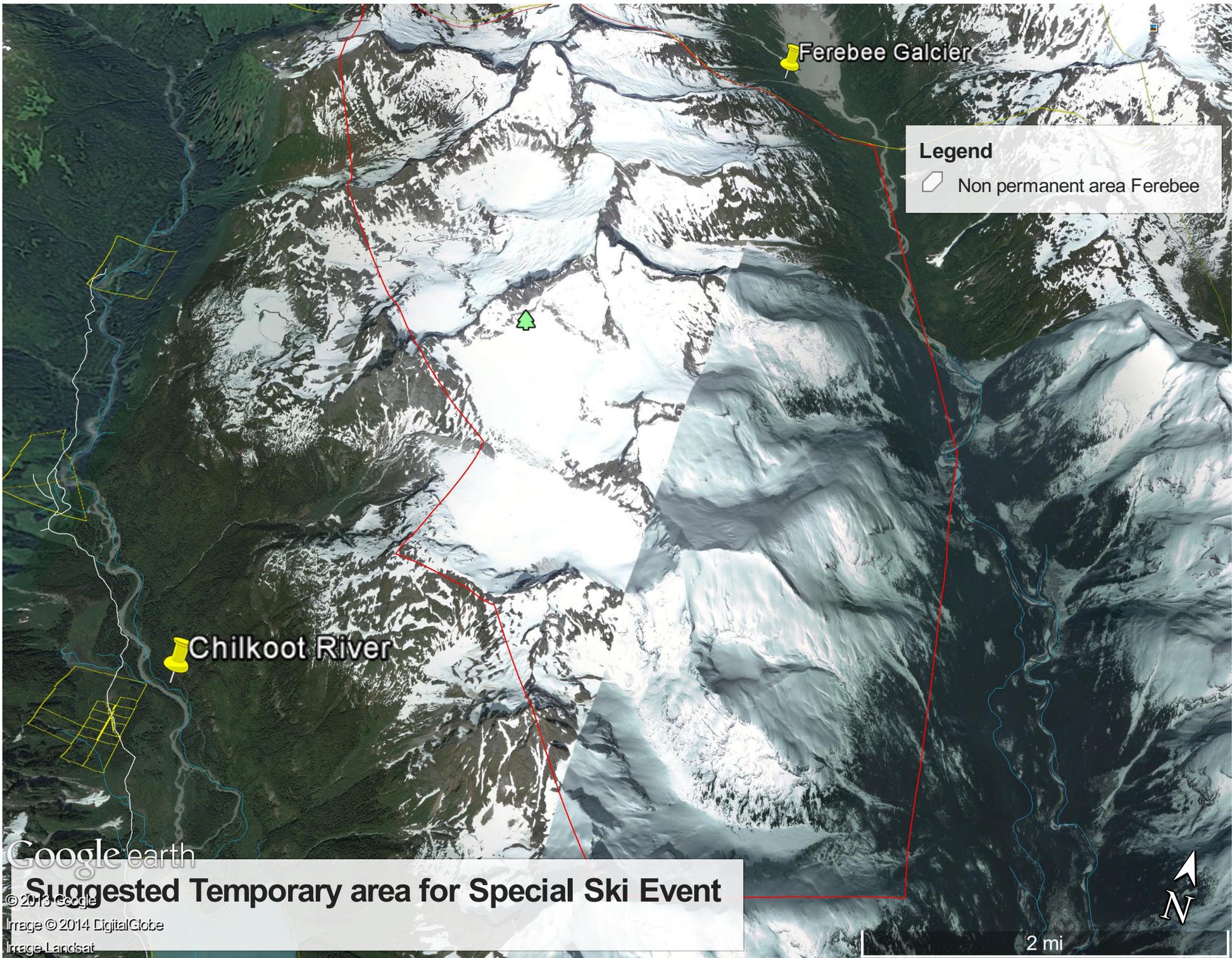
Sean Brownell

**From:** Sunny Sundberg [mailto:sunny@seaba-heli.com]  
**Sent:** Tuesday, February 18, 2014 5:57 PM  
**To:** Michelle Webb  
**Cc:** Julie Cozzi  
**Subject:** Areas to consider for special event.

I want to also add this area. It represents a rural part of the borough and has has very little photography or cinematography produced from this area. It is possible that encouraging skiers to visit this area might promote the use of a very rural part of the Haines borough. It will also give assembly members more options when considering this possible temporary area.

--

Scott Sundberg  
GM /Lead Guide  
SEABA LLC  
[www.seaba-heli.com](http://www.seaba-heli.com)  
907 314 0445



Ferebee Galcier

**Legend**

□ Non permanent area Ferebee

Chilkoot River

Google earth

**Suggested Temporary area for Special Ski Event**

© 2013 Google  
Image © 2014 DigitalGlobe  
Image Landsat



2 mi



# Memorandum

## From the Interim Manager

February 26, 2014

To: Mayor and Borough Assembly  
From: Julie Cozzi - Interim Borough Manager  
Re: Manager's Recommendation  
Request for Special Ski Competition Event

On February 18, 2014, I received a request from SEABA and Alaska Heliskiing for a special ski competition event as allowed by HBC 5.18.080(G). In response to my request for clarification and more specificity, amended requests were received on February 21 and February 26. All of these documents are attached.

The applicants believe this contest will provide a marketing boost at a critical time, as the overall lack of snow in Alaska has been making the news and causing clients to look elsewhere. They also suggest that temporarily allowing access to currently closed, but previously open, terrain may generate interest from skiers, photographers, and filmmakers who have visited Haines in the past.

The final amended requests ask for the special event to take place between March 21 and April 21, 2014 within areas 1,2,8,9, and 21 on the 2014 ski tours map. These areas were recommended to be opened by the 2013 Heliskiing Map Committee but were not approved by the assembly for the 2014 season via Resolution 13-07-472. This request asks for temporary additions to the approved Commercial Ski Tour Areas map. Borough code requires the manager to make a written recommendation in response to a request like this, and the assembly may act on that recommendation by resolution. A resolution will come to the assembly as part of the March 11 agenda. On February 25, the assembly assigned this matter to the Commerce Committee for review and recommendation, as well. That meeting has not yet been scheduled.

**Recommendation: I recommend the assembly consider allowing the special ski competition event to take place during the time period requested but be limited to areas 1, 2 and 21 of the 2014 Heliski Map. I do not recommend including areas 8 and 9.**

If the assembly approves the temporary addition of territory, the map would be amended by designating the additional areas as "temporary" and identifying the dates for which the additional territory is approved. Historically, weather conditions allow for heliskiing activity approximately 50-percent of the time; so at most, the special event activities would likely take place only 15 to 20 calendar days of the requested 30-day event period. Locations and dates are monitored through the required bi-weekly activity reports. Skiing in the temporary areas outside of the event dates would be considered a violation subject to fines and suspension or revocation of permits. We would watch this closely.

I believe this event is worth a try given the overall lack of snow and as a way to attract heliskiing clients back to Haines this year.

Note: the current map that shows the subject areas is available in the assembly's Dropbox and is also on the borough's website: [www.hainesalaska.gov/administration/2014-heliskiing-maps](http://www.hainesalaska.gov/administration/2014-heliskiing-maps).

**Michelle Webb**

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**Subject:** FW: Special Ski event utilizing Four Winds (Area 21)

**From:** "[sunny@skiseaba.com](mailto:sunny@skiseaba.com)" <[sunny@skiseaba.com](mailto:sunny@skiseaba.com)>  
**Date:** March 14, 2014, 11:56:27 AM AKDT  
**To:** Stephanie Scott <[sscott@haines.ak.us](mailto:sscott@haines.ak.us)>  
**Subject: Re: Special Ski event utilizing Four Winds (Area 21)**

Stephanie,

At this point SEABA is pulling out of the competition and will revisit this idea in 2015, hopefully the map could be ammended earlier so plans can be made. Also the Four Winds area does not serve SEABA at all. I am sure Alaska Heliskiing is still excited about this but we would rather not put pressure on just one new area with two companies.

I really wish that the descision makers could spend some time watching and listening to operations in 1 and 2 as well. I think you would find that it is not intrusive. Also, with the voluntary yeilding to backcountry users in place with our memorandum, we feel that the voices that were heard at the March 11th meeting have a tool that enables sharing these areas?

Thank Scott

On Thu, Mar 13, 2014 at 1:43 PM, Stephanie Scott <[sscott@haines.ak.us](mailto:sscott@haines.ak.us)> wrote:  
Hi Sean, Scott, and Sean,

Last night the Assembly re-visited the Resolution to allow a special ski event; the resolution was amended to allow the event to take place in the Four Winds area (area #21). Then the consideration of the resolution was postponed to the March 25 Assembly meeting.

I hope that you will let the Assembly know if this action would assist you and intrigue your client base. If you email Michelle Webb ([mwebb@haines.ak.us](mailto:mwebb@haines.ak.us)), she can easily distribute any email you write to all members of the Assembly.

Sincerely,

Stephanie

Stephanie Scott  
Mayor, Haines Borough  
[907-766-2231 ext.30](tel:907-766-2231)

--

Scott Sundberg  
General Manager/Owner  
Southeast Alaska Backcountry Adventures LLC  
907 314 0445

P.o. box 1426  
Haines, Ak 99827

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## Michelle Webb

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**From:** Stephanie Scott  
**Sent:** Thursday, March 13, 2014 2:20 PM  
**To:** Michelle Webb  
**Subject:** Fwd: Special Ski event utilizing Four Winds (Area 21)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Agenda Business

I think this might be the first of the comments collected on the revisitation of the Resolution (I forget the number). I am always trying to get people to comment to the elected officials through you!

S

Stephanie Scott  
Mayor, Haines Borough  
907-766-2231 ext.30

Begin forwarded message:

**From:** Sean dog <[alaskaheliskiing@hotmail.com](mailto:alaskaheliskiing@hotmail.com)>  
**Date:** March 13, 2014, 1:59:47 PM AKDT  
**To:** Stephanie Scott <[sscott@haines.ak.us](mailto:sscott@haines.ak.us)>  
**Cc:** Michelle Webb <[mwebb@haines.ak.us](mailto:mwebb@haines.ak.us)>, Ryan Sr. <[rpjalaska@gmail.com](mailto:rpjalaska@gmail.com)>  
**Subject: Re: Special Ski event utilizing Four Winds (Area 21)**

Yes of course. I just had one film crew cancel because their main objective was storm troopers on four winds so this is good news. I'll let them know and maybe they'll rebook. That north face of four winds is one of the gems of haines for filmmakers. It may be one of the most famous descents in the whole valley.

Alaska Heliskiing would be quite pleased if we could access this area for a photo contest this season.

Thankyou  
Sean Brownell

Sent from my iPhone

On Mar 13, 2014, at 1:43 PM, Stephanie Scott <[sscott@haines.ak.us](mailto:sscott@haines.ak.us)> wrote:

Hi Sean, Scott, and Sean,

Last night the Assembly re-visited the Resolution to allow a special ski event; the resolution was amended to allow the event to take place in the Four Winds area (area #21). Then the consideration of the resolution was postponed to the March 25 Assembly meeting.

I hope that you will let the Assembly know if this action would assist you and intrigue your client base. If you email Michelle Webb ([mwebb@haines.ak.us](mailto:mwebb@haines.ak.us)), she can easily distribute any email you write to all members of the Assembly.

Sincerely,

Stephanie

Stephanie Scott

Mayor, Haines Borough

907-766-2231 ext.30

## Michelle Webb

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**From:** Julie Cozzi  
**Sent:** Tuesday, March 18, 2014 9:59 PM  
**To:** Darsie Culbeck; Michelle Webb  
**Subject:** FW: Film Contest

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Agenda Business

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**From:** [rpjalaska@gmail.com](mailto:rpjalaska@gmail.com) [<mailto:rpjalaska@gmail.com>] **On Behalf Of** Ryan Johnson  
**Sent:** Tuesday, March 18, 2014 2:43 PM  
**To:** Julie Cozzi  
**Subject:** Film Contest

Julie,

I just wanted to update you on Alaska Heliskiing's position on the proposed Photo contest for 2014. The area that we are primarily interested in is the area 21. This area contains a spine wall called Storm Troopers that is often requested by our clients and filmers. If there is a chance to bring area 21 up before the Assembly, then we would support the resolution. If the proposed area is the Ferebee, then we are not interested. Thanks for your consideration.

Best,  
Ryan Johnson



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

**Department of  
Fish and Game**

DIVISION OF WILDLIFE CONSERVATION  
Southeast Region

802 3rd Street  
P.O. Box 110024  
Juneau, Alaska 99811-0024  
Main: 907.465.4265  
Fax: 907.465.4272

March 20, 2014

Haines Borough  
c/o: Michelle Webb  
Interim Clerk  
P.O. Box 1209  
Haines, Alaska 99827

Haines Borough Assembly:

Thank you for the opportunity to comment on a proposed expansion of the heli-skiing map into the Ferebee River/Chilkoot River drainages.

The Alaska Department of Fish and Game (department) conducted aerial surveys in the proposed expansion area (Ferebee River/ Chilkoot River mountain range) in September 2013, which resulted in a minimum count of 84 mountain goats. During these surveys we collect compositional data and distinguish between adult and kid goats observed. While some goats migrate to low elevations near the ocean, others studied in Haines migrate to middle and high elevations; in the proposed expansion area, we do not yet know which strategy is selected by mountain goats.

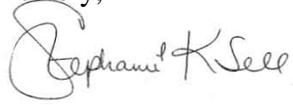
The mountain range within and adjacent to the proposed expansion area are also very popular mountain goat hunting areas for Haines residents. Due to concerns for the mountain goat population in this area, it is common for this hunt area to close by emergency order due to sufficient harvest. Goats can be observed from low elevation and relatively easy access allows hunters to be successful.

The department does not recommend any additional changes to the heli-skiing map at this time. The rationale for this decision is the same as prior comments to the Borough concerning over-wintering locations of mountain goat and the timing of ski events that will potentially overlap with the period when pregnant females are moving to nursery locations. During the winter months mountain goats are physically and nutritionally stressed and demonstrate strong site fidelity to localized areas. Until our research is complete (2015) the department is not prepared to provide direct recommendations concerning mountain goats and additional changes to the map at this time.

In addition to our current mountain goat project, the department has conducted brown bear research in Lutak Inlet. Information from bears collared in this study has identified several brown bear den sites, including one known den site of a collared female bear with cubs in the proposed expansion area labeled "suggested temporary area for special ski event". In the 2011 Working Group meetings this area was specifically identified by department staff as an important brown bear den location and the group agreed to not permit activity in this area. The department still does not recommend helicopter activity in this area.

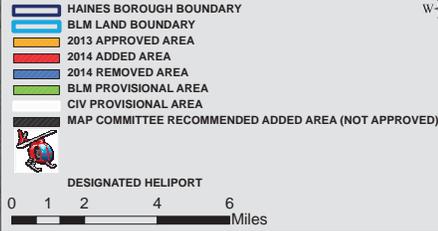
Thank you again for allowing us to comment on this proposed change.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie K. Sell". The signature is written in black ink and is positioned below the word "Sincerely,".

Stephanie Sell  
Assistant Area Management Biologist

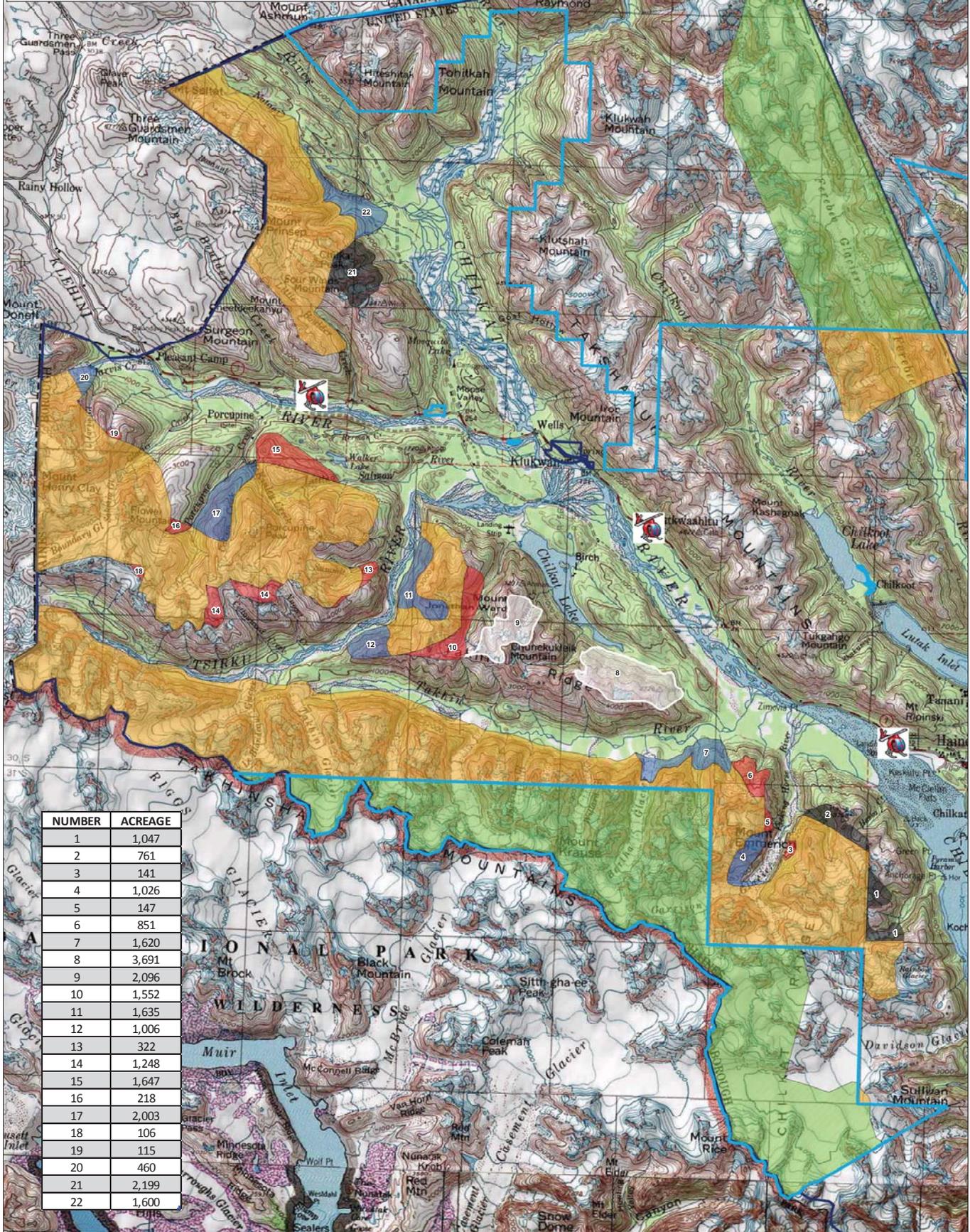
Cc: Tim McDonough, ULC AC chair



█ HAINES BOROUGH BOUNDARY  
█ BLM LAND BOUNDARY  
█ 2013 APPROVED AREA  
█ 2014 ADDED AREA  
█ 2014 REMOVED AREA  
█ BLM PROVISIONAL AREA  
█ CIV PROVISIONAL AREA  
█ MAP COMMITTEE RECOMMENDED ADDED AREA (NOT APPROVED)

DESIGNATED HELIPORT

0 1 2 4 6 Miles



NUMBER	ACREAGE
1	1,047
2	761
3	141
4	1,026
5	147
6	851
7	1,620
8	3,691
9	2,096
10	1,552
11	1,635
12	1,006
13	322
14	1,248
15	1,647
16	218
17	2,003
18	106
19	115
20	460
21	2,199
22	1,600

TOTAL ADDING AREA (EXCLUDE 8 & 9)	TOTAL REMOVAL AREA
6,347	9,350



DESIGNATED HELIPORT

SUGGESTED AREA FOR SKI EVENT

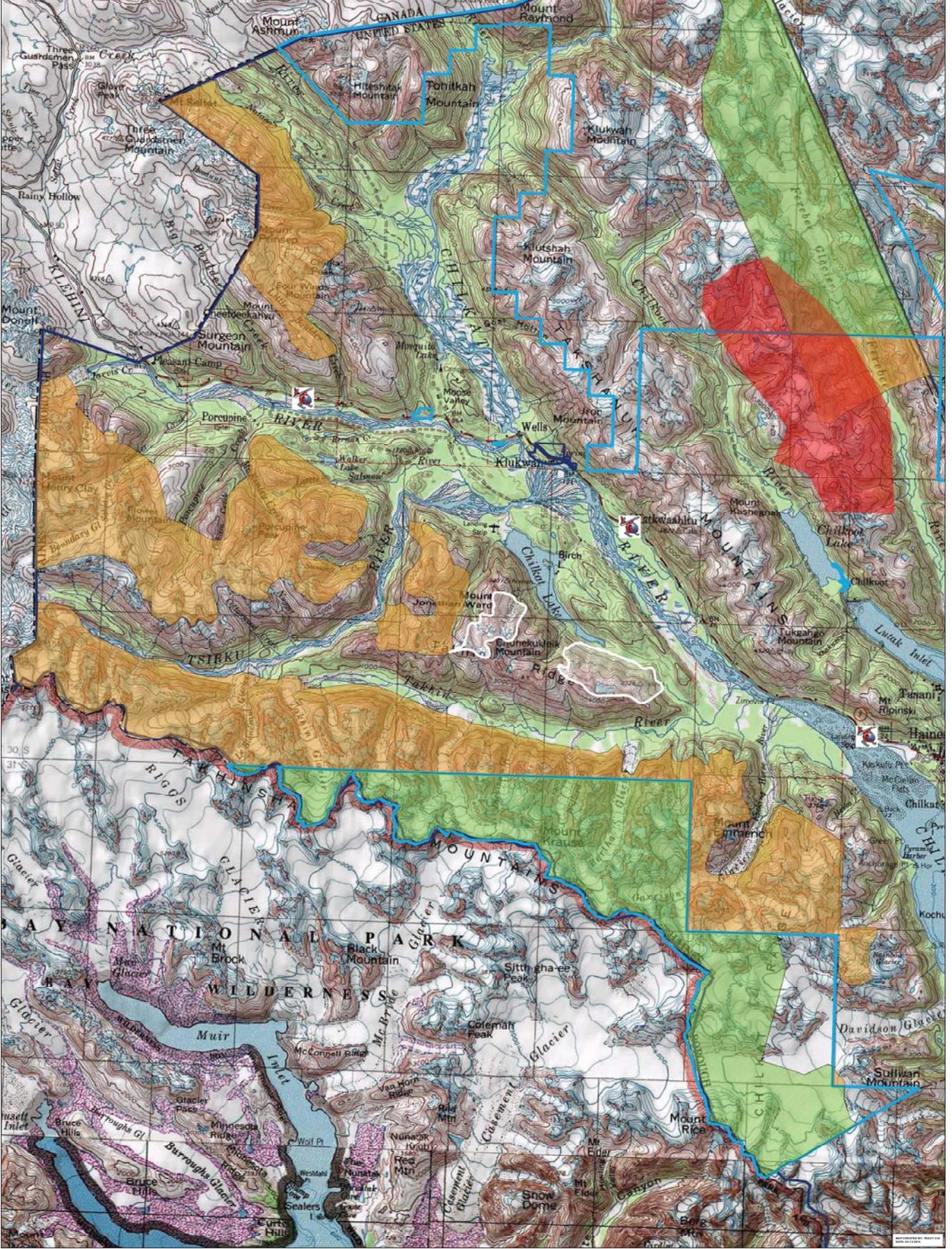
BLM PROVISIONAL AREA

BLM LAND BOUNDARY

CIV PROVISIONAL AREA

2014 APPROVED AREA

HAINES BOROUGH BOUNDARY



## Michelle Webb

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**From:** Stephanie Scott  
**Sent:** Sunday, March 16, 2014 3:14 PM  
**To:** DG\_Assembly  
**Cc:** Michelle Webb  
**Subject:** Fwd: RMSA and helicopters of course

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Agenda Business

Hi,

I am passing Scott Visscher's thoughts along to you as requested.

Stephanie

Stephanie Scott  
Mayor, Haines Borough  
907-766-2231 ext.30

Begin forwarded message:

**From:** Scott & Teresa Visscher <[visscher4@gmail.com](mailto:visscher4@gmail.com)>  
**Date:** March 15, 2014, 7:52:46 PM AKDT  
**To:** <[sscott@haines.ak.us](mailto:sscott@haines.ak.us)>  
**Subject:** RMSA and helicopters of course

Hi Stephanie, I'm fine with the RMSA appointment. AS for area 21 I'd like to go on record as being for opening the area. I believe a flight path delineated as coming in from the so. and west of billy goat ridge and 4winds triangulation would be appropriate the concern being that Helos from town or 18 mile would fly directly over moose valley and mosquito lake. The topography here sets up that percussive harmonic that so many object to. Perhaps a low altitude limit would be good for the area around the highway to keep the peace. I trust AK. helisking to be good to goats as some of the guides are my neighbors and also hunters and conservationist as for the other operators I don't know how they operate. I still believe that Big Salmon Adventures should seek a more suitable place to operate a Helo lodge than on the edge of one of the more densely populated areas of the upper valley. What a dire meeting!, I'm proud that I provided the only levity of the night. Beware the ides of March; Scott Visscher P.S. Could you pass this on to the other assembly members. Thanks.



**Haines Borough  
Assembly Agenda Bill**

**Agenda Bill No.:** 14-430  
**Assembly Meeting Date:** 3/25/14

<b>Business Item Description:</b>		<b>Attachments:</b>
Subject: Authorize Contract for the Purchase and Delivery of a Dump Trailer for the Ports and Harbors Department	Originator: Port & Harbor Advisory Committee	1. Resolution 14-03-539 2. Quote from APC Equipment & Manufacturing 3. Shipping Quote from AML 4. Memorandum from Harbormaster 5. Spreadsheet of Cost Savings 6. Trailer Pictures 7. Community Waste Solutions Rates
Originating Department: Ports & Harbors	Date Submitted: 3/6/14	

**Full Title/Motion:**  
Motion: Adopt Resolution 14-03-539.

**Administrative Recommendation:**  
The Harbormaster recommends adoption of this resolution.

**Fiscal Impact:**

Expenditure Required	Amount Budgeted	Appropriation Required
\$ 13,889.68	\$ 13,889.68	\$ 0

**Comprehensive Plan Consistency Review:**

Comp Plan Policy Nos. : Objective 4B, Page 144	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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**Summary Statement:**

In 2012 the cost for having the harbor dumpsters picked up nearly tripled. The Harbormaster researched purchase of a dump trailer for disposal of Ports and Harbors trash. The Port and Harbor Advisory Committee in October 2013 unanimously approved forwarding for approval the purchase of a dump trailer for the Ports and Harbors Department. APC Equipment & Manufacturing has provided a quote of \$12,495 for a dump trailer, including freight to Seattle. The Harbormaster projects the dump trailer would pay for itself completely within two years of use, due to a predicted cost savings of approximately \$8,000 per year. The Haines Borough Assembly on 2/25/14 approved Ordinance 14-01-365, which appropriated \$12,810 for purchase of a dump trailer for ports and harbors for the purpose of trash disposal. The remaining \$1,079.68 in shipping costs to Haines would be paid out of a contingency fund for Capital Improvement Projects. This resolution was postponed at the 3/11/14 meeting.

**Referral:**

Sent to:	Date:
Recommendation:	Meeting Date:
Refer to:	

**Assembly Action:**

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 3/11/14, 3/25/14	Tabled to Date:

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with APC Equipment & Manufacturing in the amount of \$12,495 for the purchase and delivery of a dump trailer for the Ports and Harbors Department.**

**WHEREAS**, in 2012 the cost for having the harbor dumpsters picked up nearly tripled; and

**WHEREAS**, the Harbormaster researched purchase of a dump trailer for disposal of Ports and Harbors trash; and

**WHEREAS**, the Port and Harbor Advisory Committee in October 2013 unanimously approved forwarding for approval the purchase of a dump trailer for the Ports and Harbors Department; and

**WHEREAS**, APC Equipment & Manufacturing has provided a quote of \$12,495 for a dump trailer, including freight to Seattle; and

**WHEREAS**, the Harbormaster projects the dump trailer would pay for itself completely within two years of use, due to a predicted cost savings of approximately \$8,000 per year; and

**WHEREAS**, the Haines Borough Assembly on 2/25/14 approved Ordinance 14-01-365, which appropriated \$12,810 for purchase of a dump trailer for ports and harbors for the purpose of trash disposal; and

**WHEREAS**, the remaining \$1,079.68 in shipping costs to Haines would be paid out of a contingency fund for Capital Improvement Projects,

**NOW, THEREFORE, BE IT RESOLVED** that the Haines Borough Assembly authorizes the Borough Manager to contract with APC Equipment & Manufacturing in the amount of \$12,495 for the purchase and delivery of a dump trailer for the Ports and Harbors Department.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Stephanie Scott, Borough Mayor

Attest:

\_\_\_\_\_  
Michelle Webb, Interim Borough Clerk

# APC EQUIPMENT & MFG., INC.

March 7, 2014

FROM: Kris French

## 2014 MAXEY 7'X14' PINTLE ROLL OFF TRAILER

### STANDARD FEATURES

<b>GVWR:</b>	<b>14,000 lbs</b>
<b>Empty Trailer Weight:</b>	<b>2,700 lbs</b>
<b>Net Payload Capacity:</b>	<b>11,300 lbs (including dumpster weight)</b>
<b>Axles:</b>	<b>Tandem 7,000lb 8 lug (electric brakes on both axles)</b>
<b>Tires:</b>	<b>New ST235/80 radial 16" E range 10ply trailer tires (3,520lbs each)</b>
<b>Wheels:</b>	<b>16"x6" 8 hole</b>
<b>Main Frame:</b>	<b>6"x2" rectangular steel tubing</b>
<b>Tongue:</b>	<b>8" channel</b>
<b>Tilt Frame:</b>	<b>3"x2" rectangular steel tubing</b>
<b>Cross Members:</b>	<b>3" channel</b>
<b>Dumpster Flooring:</b>	<b>1/8" thick sheet steel</b>
<b>Dumpster Siding:</b>	<b>1/8" thick sheet steel</b>
<b>Dumpster Doors:</b>	<b>Double swing doors (opens like barn doors)</b>
<b>Battery:</b>	<b>3 Group 27 deep cycle marine (charges while being towed)</b>
<b>Pump:</b>	<b>Electric over hydraulic - power up / power down</b>
<b>Controller:</b>	<b>10' corded remote control</b>
<b>Hydraulics:</b>	<b>Dual 3.5" hydraulic cylinder (20,000lb lift capacity)</b>
<b>Winch System:</b>	<b>15,000lb industrial Warm winch</b>

March 7, 2014

Page 2

<b>Coupler:</b>	<b>2 5/16" adjustable OR 3" Pintle</b>
<b>Jack:</b>	<b>12,000lb drop leg jack</b>
<b>Fenders:</b>	<b>Tandem 14ga tread plate fenders</b>
<b>Lights:</b>	<b>All LED stop/turn/clearance lights (rear lights encased in steel housing)</b>
<b>Safety Features:</b>	<b>All required DOT lighting, safety chains, DOT tape, and break-a-way switch</b>

Trailer Price: \$9,995.00

Freight to Seattle: \$2,500.00

**Grand total: \$12,495.00**

Options:

2 PIECE METAL ROLLING LID \$2,438.00



5615 W MARGINAL WAY SW  
P O BOX 24348  
SEATTLE, WA 98124-4348  
1-800-950-4265

100 MT ROBERTS ST  
JUNEAU, AK 99801  
1-907-586-3790  
1-800-585-6102

**Rate Estimate OS76**

Prepared For: HAINES BOROUGH  
Phone: 907 766-2231  
Fax:  
Email: pbenner@hainesak.us

Date: March 6, 2014  
Origin: SEA  
Destination: HNS  
Project Name:  
PO Number:  
Estimated Ship Date: March 6, 2014

Prepared By: Connie Ward  
cward@lynden.com  
Phone: 907 766-2221  
Fax: 907 766-2639

Qty	UOM	Freight Description	Dimensions (LxWxH)	Weight	Rate	Charge
1	EA	2014 PINTLE ROLL-OFF TRAILER	14' x 7'	2,700		
		FLAT CHARGE				1,172.00
		FUEL SURCHARGE			19.00 %	222.68
		TOTAL CHARGES:				1,394.68

**TERMS AND CONDITIONS:**

Rated to Alaska Marine Lines destination terminal only.

Green is good! Do your part in saving the environment by accessing documents electronically. Go to <http://www.lynden.com/ez-signup.html> and sign up for EZ Commerce, making it easier to conduct business at your fingertips. You can request pickups, generate shipping documents, track shipments, receive invoices and make payments electronically. Service is free, sign up today!

This estimate has been prepared based on information provided on this date and is valid for 30 days. Charges may differ from those contained herein due to changes in weight, dimensions, description of goods, or requested services. Fuel surcharge is estimated at the level in effect on this date, is subject to change without notice and will be billed at the level in effect in Carrier's published tariff on the date of shipment. All services are subject to the standard terms and conditions of our tariff (available at [www.lynden.com/aml/100terms.htm](http://www.lynden.com/aml/100terms.htm)) and the bill of lading published therein. Any bill of lading or other shipping document issued shall not be effective to the extent it conflicts with our terms and conditions. By shipping with Alaska Marine Lines, Inc., you are acknowledging acceptance of our terms and conditions.

17 October, 2013

**MEMORANDUM**

From: Phil Benner, Haines Harbormaster  
To: Julie Cozzi, Haines Borough Manager

Attachments (1) Quote from APC Equipment and Mfg.  
(2) Spreadsheet of expense versus savings of hauling trash

1. At the 17 October, 2013 meeting of the Port and Harbor Advisory Committee (PHAC), the committee unanimously approved forwarding for approval the purchase of a dump trailer for the Ports and Harbors.
2. In 2012 the cost for having the Harbor dumpsters picked up nearly tripled in costs. This was due to the rate hike from Haines Sanitation for hauling and disposal of trash. At approximately the same timeframe the Harbor Department began the process of separating trash for recycling. We have now had the single stream recycling dumpster in use for one season, and though it did cut cost a little, PHAC wanted to explore different avenues for cutting cost. The Harbormaster explored purchase of a dump trailer for disposal of Port and Harbor trash. Upon investigation we have found a cost savings of approximately \$8,000.00 per year with the use of a dump trailer. Both Haines Sanitation and Acme Transfer will accept trash from the trailer. The dump trailer would pay for itself completely in two years of use.
3. We ask that the Assembly review and recommend the purchase of the dump trailer for Haines Port and Harbors. The total cost with delivery to Haines is \$12,807.00
4. Thank you, any questions please feel free to contact me.

**June 2012-May 2013**

Poundage	173,205	86.6	Tonage
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**Haines Sanitation**

If we hauled it/by lb	\$	0.15	\$ 25,980.75
			\$ 5,662.70
Actual cost	Mixed		\$ 31,643.45

**Acme**

If we haul it/by the ton	\$	500.00	\$ 43,301.25
--------------------------	----	--------	--------------

Avoidable Loss	
We haul	\$ 5,662.70
	\$ 412.32 dumpster
	<b>\$6,075.02</b>

Potential Future Savings	
6075 plus 30%	<b>7958.25</b>



# NEW RATES & CURBSIDE SERVICES



CWS is restructuring Haines' curbside collection system. Beginning February 1<sup>st</sup>, we will add to our services Single Stream Recycling (SSR). That means all recyclables can be mixed together.

We are also adding new service options that can save you money, along with valuable "Perks" for new and current pickup customers.

For more information about collection—or answers to any questions—call, email or click:

[info@communitywastesolutions.com](mailto:info@communitywastesolutions.com)

[www.communitywastesolutions.com](http://www.communitywastesolutions.com)

## 766-2736

### NEW SELF-HAUL RATES:

Effective February 1, 2013

Waste Category	Standard Rate	"Perks" Rate
Single Stream Recycling (New Service)	\$.22/lb. <u>First 10 lb. FREE</u> <u>with trash haul</u>	20% discount
Compostables	\$.15/lb.	Free
Mixed Waste (Trash)	\$.25/lb.	15% discount
Const. & Demolition Yard Debris	\$.23/lb.	20% discount
Separated Aluminum	\$0.15/lb. buyback	
Separated Glass	Free	
Electronic Recycling	\$0.70/lb.	\$0.60/lb.

## We Buy Aluminum!

We want to learn about your waste management needs. Call if you have any questions or comments.

### RESIDENTIAL PICKUP:

Comprehensive — \$60/mo.

6 cans/month  
4 cans SSR  
2 cans Trash

Recycling Only — \$44/mo.

4 cans SSR/month

Trash Only — \$45-\$64/mo.

2 cans Trash/month

4 cans Trash/month

*Seniors -20% off Residential Pickup*

### COMMERCIAL PICKUP:

Recycling Dumpsters (Rent-free):

1yard — \$63.41

2yard — \$126.83

Trash Dumpsters:

1yard — \$77.41

2yard — \$154.82

### SUBSCRIBER PERKS:

Current and new CWS curbside subscribers will receive these perks:

- 20% off SSR self-haul
- 20% off C&D disposal (incl. yard debris)
- 15% off trash self-haul
- 15% off septic services
- 15% off port-a-potty service
- 15% off container rental
- Free composting self-hauled in "bio bags"

### Existing Curbside Customers:

*New collection routing will change the pickup schedule for some customers. You may elect to either continue your existing service at the same price or change over to a new service package. Billing will remain unaffected unless you make changes to your account. Changes in collection schedules will go into effect March 1, 2013.*

*More information regarding your account and our new service packages will be included in this month's invoice.*

# SEPARATION INFORMATION

## RECYCLING

All recyclables should go in one single container—bags for self-haul and loose in cans for pickup subscribers.

### CLEAN, DRY PAPER AND CARDBOARD

- NEWSPRINT
- MAGAZINES
- CEREAL & TISSUE BOXES
- OFFICE PAPER
- JUNK MAIL AND ENVELOPES (PLASTIC WINDOWS OK)
- GIFT WRAP
- CORRUGATED CARDBOARD



### METALS

- ALUMINUM CANS
- TIN CANS
- CLEAN FOIL
- BIMETAL CANS
- BOTTLES
- JARS



### PLASTICS

- BEVERAGE CONTAINERS
- MILK JUGS
- SHAMPOO BOTTLES
- FOOD STORAGE CONTAINERS
- CLEANING PRODUCT BOTTLES

### GLASS

- BOTTLES & JARS (ALL COLORS)



- ⇒ Rinse out containers.
- ⇒ Remove and discard lids.
- ⇒ NO motor fluid containers.

## NOT RECYCLABLE

- MIRRORS
- WINDOWS & GLASSWARE
- PHOTOS & FILM
- PLASTIC UTENSILS
- STYROFOAM
- WAXED CARDBOARD
- TEXTILES
- PENS & PENCILS
- CERAMICS
- COMPOSTABLES
- LIGHTERS



Call to schedule  
a home visit!

## COMPOSTING

### DO COMPOST:

- FOOD SCRAPS
- EGGSHELLS
- COFFEE FILTERS & GROUNDS
- TEA BAGS
- SMALL BONES (CHICKEN, TURKEY, BUTCHERED RED MEAT BONES)
- NAPKINS SOILED WITH FOOD DEBRIS
- TABLE SCRAPS
- DAIRY PRODUCTS
- MEATS & FISH
- BREAD, RICE & PASTAS
- COOKING OIL & FATS
- FRUIT & FRUIT PEELINGS
- VEGETABLES & VEGETABLE PEELINGS



### NOT COMPOSTABLE

- TRASH
- RECYCLING
- PLASTIC BAGS
- USED BATHROOM PRODUCTS
- METALS
- UNACCEPTABLE WASTES
- PAPER TOWELS WITH CLEANING SOLUTIONS



For household compostables, CWS provides collection customers with a FREE Max-air container and green Bio-Bags

Your self-haul compostables must be in the CWS-provided Bio-Bags. Call us.

## TRASH

(EXPORTED)

- MIXED, UNSORTED GARBAGE
- CLOTHING
- FIBROUS MATERIAL
- MIXED MATERIAL GOODS
- DIAPERS
- STYROFOAM
- FOOD PACKAGING WITH RESIDUE (CELLOPHANE)
- FOIL WRAPPERS (CANDY BARS, ENERGY BARS, ETC...)
- MIRRORS
- AUTO GLASS/WINDOWS
- UN-NUMBERED PLASTICS
- COAT HANGERS
- MICROWAVE TRAYS
- PORCELAIN & CERAMICS
- USED LIGHTERS

### UNACCEPTABLE PICKUP

- ELECTRONICS (RECYCLABLE)
- PAINTS
- LIGHT BULBS
- FLOURESCENT BULBS
- CFL BULBS
- SOLVENTS/ PETRO-CHEMICALS
- MOTOR OIL
- BATTERIES
- C&D/YARD DEBRIS



CWS ships all household trash to Eastern Washington where it is landfilled.

Construction and Demolition/yard wastes are the only materials deposited in the CWS landfill.



Community Waste Solutions

766-2736



**Haines Borough  
Assembly Agenda Bill**

**Agenda Bill No.:** 14-439  
**Assembly Meeting Date:** 3/25/14

Business Item Description:	Attachments:
Subject: Authorize 2014 Preferential Use Agreement with Fast Ferry for the PC Dock Lightering Float	1. Resolution 14-03-545 2. Draft Preferential Use Agreement (PUA) 3. Page 15B, Haines Terminal Tariff
Originator: Harbormaster	
Originating Department: Ports and Harbors	
Date Submitted: 3/17/14	

**Full Title/Motion:**  
 Motion: Adopt Resolution 14-03-545.

**Administrative Recommendation:**

**Fiscal Impact:**

Expenditure Required	Amount Budgeted	Appropriation Required
\$ N/A	\$	\$

**Comprehensive Plan Consistency Review:**

Comp Plan Policy Nos.:	Consistent: <input type="checkbox"/> Yes <input type="checkbox"/> No
------------------------	--

**Summary Statement:**

The Haines-Skagway Fast Ferry has requested a special docking and moorage services agreement for the 2014 summer tourism season. Rule 34.306 (page 15B) of the Port of Haines Terminal Tariff #3 provides that a preferential use agreement (PUA) may be approved by the Borough Assembly where standard small boat harbor transient moorage rates shall apply. The rate is \$5.00 per foot per month, and the longest of the two vessels they plan to use is 77 feet. That totals \$385.

**Referral:**

Sent to:	Date:
Recommendation:	Meeting Date:
Refer to:	

**Assembly Action:**

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 3/25/14	Tabled to Date:

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a "preferential use agreement" with Haines-Skagway Fast Ferry, LLC for the 2014 summer tourism season.**

**WHEREAS**, the Haines-Skagway Fast Ferry, LLC (Fast Ferry) provides important visitor transportation between Haines and Skagway during the summer tourism and cruise ship season; and

**WHEREAS**, the Fast Ferry has requested a special docking and moorage services agreement for the 2014 summer tourism season for vessels known as the "Rachel Marie" and the "Fairweather Express";

**WHEREAS**, Rule 34.306 (page 15B) of the Port of Haines Terminal Tariff #3 provides that a preferential use agreement (PUA) may be approved by the Borough Assembly where standard small boat harbor transient moorage rates shall apply; and

**WHEREAS**, the Haines Borough is willing to provide for dockings and overnight moorage of one vessel, each night, at the facility known as the "lightering float" at the Port Chilkoot Dock; and

**WHEREAS**, this agreement establishes special terms and conditions for docking and moorage for the 2014 summer tourism season,

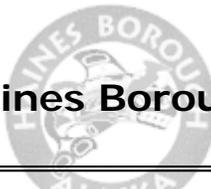
**NOW THEREFORE BE IT RESOLVED** that the Haines Borough Assembly authorizes the interim borough manager to enter into a preferential use agreement (PUA) with Haines-Skagway Fast Ferry, LLC for the 2014 summer tourism season.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on the \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Stephanie Scott, Mayor

Attest:

\_\_\_\_\_  
Michelle Webb, Interim Borough Clerk



# Haines Borough

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## PREFERENTIAL USE AGREEMENT – 2014 Port Chilkoot Dock Lightering Facility

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This Agreement is made and entered into this     day of    , **2014**, by and between the **Haines Borough**, a municipal corporation organized under the laws of the State of Alaska with its principal place of business at 103 Third Avenue S., Haines, Alaska 99827 (“the Borough”) and **Haines-Skagway Fast Ferry, LLC**, a corporation with its principal place of business at P.O. Box 1488, Haines, Alaska 99827 (“the Customer”). Borough and the Customer are sometimes collectively referred to as “Parties.”

The Parties agree as set forth below.

### Article I - Purpose

This Agreement is entered into for the purpose of establishing terms and conditions of docking and moorage services provided by the Borough to the Customer during the 2014 summer tourism season for either of the Customer’s vessels known as the “Rachel Marie” and the “Fairweather Express.”

### Article II – Site of Service Provided

The Borough will provide for dockings throughout the contract period and overnight moorage of one vessel, each night, at the facility known as the “Lightering Float” at the Port Chilkoot Dock, Haines, Alaska.

### Article III - Time of Commencement and Agreement Term

The services to be performed under this Agreement shall commence May 9, 2014. The Agreement shall end no later than September 25, 2014, or on any earlier date chosen by the Customer provided that 10-day advanced notification is given to the Borough in writing.

### Article IV –Cost of the Dockage and Moorage

The Customer agrees to pay (1) \$385 per month for overnight moorage at the Lightering Float, (2) \$10 per night for unmetered electrical power, and (3) \$20.00 per landing.

### Article V- Non-Exclusive Use of the Lightering Float

The Customer shall not have exclusive use of the Lightering Float although this Agreement documents the Customer’s priority use of it. The harbormaster may accommodate other vessels at the remaining unoccupied space, as appropriate, in his or her judgment.

### Article VI– Billing by the Borough and Remittance of Payment

The Haines Harbormaster will issue a monthly invoice to the Customer no later than the 4<sup>th</sup> day of the month following, based on the Customer’s accounting of their activity at the Lightering Float. The Customer shall remit payment to the Borough Administration office no later than the 15<sup>th</sup> day of the month in which they receive an invoice.

### Article VIII- Insurance

The Customer shall maintain appropriate and required Insurance as may be required by regulatory agencies during the term of the Agreement.

### Article IX - Termination of Contract

The Customer may terminate the Agreement at any time with 10 days advance written notice. The Borough may, in the judgment of the Harbormaster, terminate the Agreement at any time for cause, such as violation of provisions of Title 16 of the Haines Borough Code.

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**HAINES BOROUGH – PREFERENTIAL USE AGREEMENT**

Page 2 of 2

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Article VII – Prohibition of Sublease

The Customer shall not sublease the space at the Lightering Dock as provided by the Borough under this Agreement.

Article X - Miscellaneous Provisions

The Borough's representative under this agreement shall be the Haines Borough Harbormaster or his designee.

This Agreement entered into as of the day and year first written above.

**BOROUGH**

**CUSTOMER**

\_\_\_\_\_  
Julie Cozzi, Interim Borough Manager  
Haines Borough

\_\_\_\_\_  
Karen Hess, President  
Haines Skagway Fast Ferry LLC

Attest:

\_\_\_\_\_  
Michelle Webb, Interim Borough Clerk

<b>PORT OF HAINES</b> <b>TERMINAL TARIFF, FMC NO.3</b>	Orig./Rev.	Page
	5th Rev.	15.B
	Cancel	Page
	4th Rev.	15.B
	Effective Date	
	September 24, 2013	
	Ord.11-02-255; Ord.13-08-348 §5	

**RULES AND REGULATIONS**

**RULE NO. 34. TERMINAL TARIFFS**

-----  
**306. PORT CHILKOOT DOCK LIGHTERING FACILITY RATES**  
 -----

For use of Port Chilkoot Dock lightering float dock, including lightering to transfer passengers to or from larger vessels; to pick up or discharge passengers for local marine tours; moorage of vessels; and moorage of vessels unable to moor in the small boat harbor.

Rates per 24 Hour Period:

Lightering or transfer of passengers to or from a larger vessel:

Two hundred fifty (\$250) dollars flat rate per day.

Use of the facility by vessels with a capacity of ten passengers or more to load or unload passengers for tours or charters originating or ending in Haines. This fee shall not apply to vessels mooring at the lightering facility for more than one hour per docking:

Twenty (\$20) dollars

When use of the facility is for temporary or emergency transient moorage, or under the terms of a preferential use agreement approved by the Borough Assembly ("PUA"), standard small boat harbor transient moorage rates shall apply. Such use shall only be in case of an emergency or lack of moorage space in the small boat harbor or under the terms of a PUA and shall apply for no more than seventy-two consecutive hours per vessel. Such use shall not interfere with the scheduled use of the dock by the other vessels. Following expiration of the seventy-two hour period, standard dockage rates shall apply.

All other vessels shall pay standard dockage rates.

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**307. ITEM 307 ACCOMMODATION LADDER USE RATES**  
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There shall be a charge of \$100 for each use by a vessel of the Port's passenger accommodation ladder.

ISSUED BY: Mark Earnest, Borough Manager, Haines Borough



**Haines Borough  
Assembly Agenda Bill**

**Agenda Bill No.:** 14-438

**Assembly Meeting Date:** 3/25/14

Business Item Description:	Attachments:
Subject: Authorize \$15,000 Matching Funds to Alaska State Parks for Battery Point Trail Development	1. Resolution 14-03-546 2. PARC Request 3. State Parks Request 4. Trail Project Information
Originator: Parks & Recreation Advisory Committee	
Originating Department:	
Date Submitted: 3/17/14	

Full Title/Motion:
Motion: Adopt Resolution 14-03-546.

Administrative Recommendation:

Fiscal Impact:		
Expenditure Required	Amount Budgeted	Appropriation Required
\$ 15,000	\$ 20,000	\$

Comprehensive Plan Consistency Review:	
Comp Plan Policy Nos.: Goal 8, Objective 8A	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Summary Statement:
Alaska State Parks has received a \$15,000 grant to be used for Battery Point Trail development. The estimate for completing that project is \$150,000. The Parks and Recreation Advisory Committee (PARC) believes this is an important project for both visitors and locals alike. The FY14 CIP budget includes \$20,000 for trail development, and the PARC advises the Haines Borough use \$15,000 of that budget for a match. This money would be given to State Parks to be used specifically on that project.

Referral:			
Sent to:		Date:	
Recommendation:	Refer to:	Meeting Date:	

Assembly Action:	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 3/25/14	Tabled to Date:

HAINES BOROUGH  
RESOLUTION No. 14-03-546

**Draft**

**A Resolution of the Haines Borough Assembly authorizing \$15,000 matching funds to be given to Alaska State Parks to further the development of Battery Point Trail.**

**WHEREAS**, the FY14 Capital Improvement Projects (CIP) budget includes \$20,000 for trail development; and

**WHEREAS**, the Parks and Recreation Advisory Committee (PARC) is interested in encouraging positive economic development and has recommended focusing on the Battery Point Trail because it provides a great accessible opportunity for all ages and abilities of visitors and local families to explore the area; and

**WHEREAS**, the estimate for completing the trail improvement project is \$150,000; and

**WHEREAS**, Alaska State Parks has received a \$15,000 grant to be used on this project, and the PARC advises the Haines Borough match that amount with the funds to come from the FY14 CIP; and

**WHEREAS**, matching the funds will show the borough's support for completing this project and may encourage future Alaska State Park funding, and

**NOW THEREFORE BE IT RESOLVED** that the Haines Borough Assembly authorizes \$15,000 be given to Alaska State Parks to be used specifically for the development of Battery Point Trail.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Stephanie Scott, Mayor

Attest:

\_\_\_\_\_  
Michelle L. Webb, Interim Borough Clerk

RECEIVED Haines Borough

MAR 15 2014

March 3,

Clerks Office

To: Haines Borough Assembly and Mayor Scott,  
2014

The Park and Recreation Advisory Board requests funds for the 2014 fiscal year. Projects were picked with the view of encouraging positive economic development.

Our number one project is focused on the Battery Point Trail. Many visitor and local families want to explore this beautiful land, and this trail provides a great opportunity for them. Estimates for completing this improved trail are around \$150,000. For 2014, Alaska State Parks have received a \$15,000 grant furthering the development of Battery Point Trail. PARC advises the Haines Borough to match the \$15,000. Matching shows our community's interest in completing this project and encourages future funding via Alaska State Park. This trail is a great opportunity for all ages and abilities to access the outdoors. In addition, PARC would like the opportunity to have an additional \$20,000 reserve for future potential matching funds, specifically towards the completion of the Battery Point Trail.

\$15,000 AK State Parks match

The Ski Club has made progress in the development of winter ski trails. They have maintained x-country trails at the Golf Course, Chilkoot Lake, and 25 Mile. They are working on developing a ski event that would potentially draw in out of town visitors and competitors. The trail grooming has been done through equipment donated by Alaska State Parks and many hours volunteered by the ski club. For this next year the Ski Club would like to expand their trails and activities. For this next winter they would like to buy a larger trailer (\$4000), a groomer (\$1500), and a trail setter (\$800). Also this year they had gas and access fees expenses of around \$1500. For their next year they would like to have \$2000. Their totals are around \$8300. PARC advises the borough to support this group for their ski trail efforts. We are asking to match half of their expenses (\$4150). Also, we see the potential for this organization to help with summer trail work and trail building.

\$4150 match

Haines Hockey has done an amazing job developing a safe family friendly place in town to skate and play hockey. These guys are motivated, and have spent hundred of hours working on this. Besides generous in kind donations by the borough ie: water and liability insurance, we ask the borough for some funding to help further the efforts to make the rink a

better place to skate. They are looking on getting used rink gear like a zamboni, and or rink boards . Please support this.\$5000

The Park and Rec. Board also like to support a sauna at the Haines Pool. We request a \$3500

match toward the community raising the other \$3500. We believe this project has enough value to pay for itself in user fees.

\$3500 match

Our long term vision is to develop a series of remote cabins as found in similar areas of Skagway and Juneau. These cabins could be used for local hikers, skiers and boaters as well as draw out of town visitors. The board would like to set a reserve aside for this project. As these cabin ideas formulate and developed, it would be reassuring and encouraging to know there is borough support to help develop these resources.

\$10,000

We want to help maintain and develop new and existing trails. We would like to continue to have money set aside for the 2015 season. We see more people showing interest in developing trails. We request \$20,000.

Total money \$57,650

PARC believes developing recreation is key in bringing more people and economics here to Haines.

Sincerely, the Parks and Recreation Advisory Board



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

Department of Natural Resources

Division of Parks and Outdoor Recreation  
Haines District

PO Box 430  
Haines, Alaska 99827  
Main: 907.766.2292

*The Division of Parks and Outdoor Recreation provides outdoor recreation opportunities and conserves and interprets natural, cultural, and historic resources for the use, enjoyment, and welfare of the people.*

March 12, 2014

Park and Recreation Committee (PARC)  
Haines Borough  
PO Box 1209  
Haines, AK 99827

Dear PARC members,

This letter is to happily inform the committee I will be receiving an approximately \$15,000.00 grant to further the Battery Point Trail improvement/maintenance project. The bulk of this grant will be for project labor, with smaller portions for hand tools, safety gear, and administration. Unfortunately, this grant does not allow for the purchase of materials, which is obviously an important vital part of the project. I am aware the PARC and other borough officials have shared an interest in this project's advancement and eventual final completion of the trail project up to where it emerges onto the beach near Kalgaya Point.

It is in that spirit and through my continuous relationship, discussions and work with the PARC, I would like to request the PARC support and recommend a portion of the borough trail budget to further the Battery Point Trail project and possibly additional state park trails. The requested borough trail funds would allow for the purchase of materials, excluded from the trail grant we will receive, and additional general labor to the State Park trail system. A benefit of the borough funding will be to approve possible use on the other trails, compared to the grant money specifically allotted for the Battery Point Trail, this will provide more freedom to accomplish work on the connected Mt. Riley Trail and possibly even the Seduction Point Trail.

I have attached the description of the Battery Point Trail project I submitted for the State Recreational Trail Grant funding we will be receiving. Please feel free to contact me for additional information regarding the project or this request. I look forward to the additional partnership between the Haines Borough and Alaska State Parks.

Sincerely,

Preston Kroes  
Alaska State Parks  
Haines Area Park Ranger



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

Department of Natural Resources

Division of Parks and Outdoor Recreation  
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PO Box 430  
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*The Division of Parks and Outdoor Recreation provides outdoor recreation opportunities and conserves and interprets natural, cultural, and historic resources for the use, enjoyment, and welfare of the people.*

March 12, 2014

Park and Recreation Committee (PARC)  
Haines Borough  
PO Box 1209  
Haines, AK 99827

Dear PARC members,

Alaska State Parks is requesting assistance for funding for the purchase of trail markers for area State Park trails within the Haines Borough. I have received multiple price quotes for trail markers, and would like to request your help to secure the funding for the purchase of the signs. I have chosen the 3" circular Trailite trail marker as the best option due to the lowest price, size, reflectivity, variety of color (ability to mark each trail in a different color), and durability. These markers are in response to the PARC interest and discussions at previous meetings to have the trail system clearly marked for easier and safer recreation for local hikers and visitors.

The breakdown for the number of markers and cost for each trail from Forestry Suppliers is below-

Mt. Riley trail –	1100 blue markers at	\$1624.59
Battery Point Trail -	200 green markers at	\$295.38
Seduction Point Trail-	1200 orange markers at	\$1772.28
Shipping for all markers		\$244.60
	Total	<b>\$3936.85</b>

With the purchase of these markers, my intent is to have the State Parks staff or summer trail crew get the markers installed within a few years in the priority listed above. This will result in a color coded trail system with more frequent markers in both directions of all trails.

I look forward to the completion of this project and future partnerships with the Haines Borough PARC to improve outdoor recreation opportunities in the area. Please contact me if you need further information or clarification.

Sincerely,

Preston Kroes  
Alaska State Parks  
Haines Area Park Ranger

## Battery Point Trail improvement project

Battery Point Trail is the most popular and highest used year-round foot trail in the Haines area, which is part of a larger connected Mt. Riley Trail system. Community residents, cruise ship tourists, independent tourist/visitors and commercial tours, use the relatively level approximately one mile long old growth forested trail in the Northern unit of Chilkat State Park which emerges onto the Chilkoot Inlet shoreline. Hikers can then continue along the shoreline to nearby Kelgaya Point, or approximately three quarters of a mile further to Battery Point. The shoreline and both points are popular destinations for picnickers, marine mammal and wildlife watchers, day hikers, campers and most outdoor enthusiasts.

The funding will help supply labor, tools and safety gear to continue maintenance and improvements to the existing trail. Previous projects have improved the trail from the trailhead to approximately one quarter to one third of a mile down the trail. Widening and hardening of the tread is required due to major root exposure, slick rocks, uneven trail tread, and existing steep drainage areas along the trail, as a result of natural and human caused erosion from the impact of the high recreational foot traffic. Methods to improve the trail include; grubbing the backslope to widen and even the trail tread and provide a proper outslope surface, hauling in additional fill and tread hardening material by ATV trailer, possible root, stumps and larger rock removal, and general sustainable trail methods.



Example of normal unimproved trail



2009 trail work



2010 trail work (SAGA)



2010 progress



Completed improved trail near trailhead



**Haines Borough  
Assembly Agenda Bill**

**Agenda Bill No.:** 14-427  
**Assembly Meeting Date:** 3/25/14

<b>Business Item Description:</b>		<b>Attachments:</b>
Subject: Remove Haines Senior Assisted Living Inc. Property from the List of Community Purpose Exemptions	Originator: Assistant Assessor (Agenda Bill by Clerk's Office)	1. Ordinance 14-02-370 2. E-mails between Contract Assessor, Assistant Assessor, and Staff 3. 11/25/13 Memo from Assistant Assessor 4. HAL Exemption Application
Originating Department: Assessment	Date Submitted: 3/12/14; originally 2/20/14	

**Full Title/Motion:**  
Motion: Introduce Ordinance 14-02-370 and set a first public hearing on 4/8/14.

**Administrative Recommendation:**

**Fiscal Impact:**

Expenditure Required	Amount Budgeted	Appropriation Required
\$	\$	\$

**Comprehensive Plan Consistency Review:**

Comp Plan Policy Nos. :	Consistent: <input type="checkbox"/> Yes <input type="checkbox"/> No
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**Summary Statement:**

According to the borough's contract assessor and the assistant assessor, Haines Assisted Living (HAL) is a recognized non-profit charitable organization that qualifies for a required exempt status, not an optional community purpose exemption as it is classified now. See attached e-mails and memo for further explanation. When the new Soboleff-McRae Veterans Village building is completed, any rented space for commercial use will be taxable.

Note: the ordinance was on the 2/25/14 agenda for introduction but removed at the administration's request. More information had come to light that required clarification. Staff is ready to proceed.

**Referral:**

Sent to:	Date:
Recommendation:	Meeting Date:
Refer to:	

**Assembly Action:**

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 2/25, 3/25/14	Tabled to Date:

**AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES BOROUGH CODE TITLE 3 TO REMOVE HAINES SENIOR ASSISTED LIVING INC. PROPERTY FROM THE LIST OF COMMUNITY PURPOSE EXEMPTIONS BECAUSE IT HAS BEEN DETERMINED TO BE A REQUIRED EXEMPTION UNDER HBC 3.70.030(A)(3).**

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance shall become effective immediately upon adoption.

Section 4. Amendment of Section 3.70.040. Haines Borough Code 3.70.040 is amended, as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED OR CHANGED  
**STRIKETHROUGH** ITEMS ARE DELETIONS

**HBC 3.70.040 Local exemptions and exclusions.**

A. The following property is exempt from general taxation:

1. Business inventory and items held for resale;
2. All motor vehicles which are subject to the motor vehicle registration tax described in Chapter 3.85 HBC.

B. The assembly may by ordinance exempt or partially exempt from taxation privately owned land, wetland and water areas for which a scenic, conservation, or public recreation use easement is granted to the borough. To be eligible for a tax exemption, or partial exemption, the easement must be in perpetuity. However, the easement is automatically terminated before an eminent domain taking of fee simple title or less than fee simple title to the property, so that the property owner is compensated at a rate that does not reflect the easement grant.

C. The increase in assessed value of improvements to real property shall be exempt from taxation if an increase in assessed value is directly attributable to alteration of the natural features of the land or to new maintenance, repair or renovation of an existing structure, and if the alteration, maintenance, repair, or renovation, when completed, enhances the exterior appearance or aesthetic quality of the land or structure.  
An exemption may not be allowed under this subsection for the construction of an improvement to a structure if the principal purpose of the improvement is to increase the amount of space of occupancy or nonresidential use in the structure or for the alteration of land as a consequence of construction activity. An exemption provided in this subsection shall continue for four years from the date the improvement is completed, or from the date of approval for the exemption by the assessor, whichever is later.

D. Pursuant to AS 29.45.050(b)(1)(A), the below-listed properties shall remain exempt from property taxation so long as they remain the property of their present owners (organizations not organized for business or profitmaking purposes) and so long as they remain used exclusively for community purposes:

1. Southeast Alaska Fairgrounds: that area containing 42 acres, more or less, in USS 735, currently owned by Southeast Alaska State Fair, Inc.;

2. Port Chilkoot Parade Ground, currently owned by Alaska Indian Arts, Inc., that area surrounding Block G, Port Chilkoot Subdivision, containing 7.58 acres, more or less, not used for commercial purposes;

3. Land and improvements situated on Lots 1 through 7, Block O, Presbyterian Mission Subdivision, currently owned by the American Bald Eagle Foundation;

4. Land and improvements situated on Small Tracts Road, specifically the north 300 feet of the west 100 feet of Lot 40, Section 2, Township 31 South, Range 59 East, of the Copper River Meridian, currently owned by the Haines Animal Rescue Kennel;

~~5. Land and improvements situated on Lots 5, 6 and 11 through 14, Block 8, Townsite Addition, dedicated to the Haines Senior Assisted Living Facility and owned by Haines Assisted Living Inc.;~~

~~65.~~ Charles Anway Cabin: Land and improvements situated on Lot 2C within the resubdivision of Lot 2, Meacock Subdivision within Survey 206 currently owned by the Chilkat Valley Historical Society;

~~76.~~ Land and improvements situated on Lots 1 through 5, Block 12, and Lots 5 through 8, Block 6, Townsite, currently owned by Takshanuk Watershed Council.

E. The borough exempts from taxation an interest, other than record ownership, in real property of an individual residing in the property if the property has been developed, improved, or acquired with federal funds for low-income housing and is owned or managed as low-income housing by the Alaska Housing Finance Corporation under AS 18.55.100 through 18.55.960 or a regional housing authority formed under AS 18.55.996.

F. Any firm that begins operation after July 1, 1986, in the Haines Borough to process timber after it has been delivered to the processing site, if the firm has a yearly payroll of at least \$250,000, shall have 75 percent of the real property exempted from taxation for a period of five years.

G. Land and improvements situated on Lots 17, 19, 22, 23, and 24, Block F, Mission Subdivision, owned by Haines Senior Citizens' Center, Inc.

H. Land and improvements in the SE1/4, SE1/4, Section 22, T28S, R55E, CRM, managed by Klehini Valley Sports and Recreation. This exemption shall require a review on a yearly basis and becomes void if property is not used exclusively for nonprofit recreation.

I. Hardship Exemption. That portion of the property tax levied on the residence of a qualified senior citizen or disabled veteran who applies for the exemption and meets the standards set forth in 3 AAC 135.040(b) and (c), which exceeds two percent of their gross household income.

1. In order to qualify for this exemption, the applicant must:

a. Have gross family income, from all sources in the prior year, which does not exceed 135 percent of the poverty guideline as established by the United States Department of

Health and Human Services for a similar sized household in the state of Alaska for the year requested;

b. Be eligible for a permanent fund dividend under AS 43.23.005 for the same year or for the immediately preceding year;

c. Not own more than one parcel of real property in Alaska on the date of application, excluding an adjacent parcel that is necessary for the use of the primary residence; and

d. Have net worth as of the date of application of less than \$250,000 including the first \$150,000 of the market value of the principal residence of the applicant.

2. This exemption will be apportioned in the same manner and formula as applied to the standard senior citizen/disabled veteran exemption previously granted.

3. An exemption may not be granted under this subsection except upon written application for the exemption on a form provided by the borough assessor. The applicant must also submit an affidavit, supplied by the borough, attesting that the applicant meets the subscribed criteria. The assessor shall require proof, in the form the assessor considers necessary, of the right to and amount of an exemption claimed under this subsection, and shall require a disabled veteran claiming an exemption to provide evidence of disability rating. The assessor may require additional proof under this section at any time. If the applicant fails to respond to a request for additional proof, such failure may be considered by the assessor in determining whether to grant the exemption.

4. The claimant must file the application no later than March 1st of the assessment year for which the exemption is sought. The claimant must file a separate application for each assessment year in which the exemption is sought.

5. If an application is filed by the deadline, and approved by the assessor, the assessor shall allow an exemption in accordance with the provisions of this section. If the claimant has already paid taxes for that year prior to approval of a timely application, the exempted tax amount shall be refunded to the claimant.

6. If an otherwise qualified claimant is unable to comply with the March 1st application filing deadline, the claimant may submit an application to the assessor's office for review by the assembly. If the claimant has submitted a valid application, the assembly may, by resolution, waive the claimant's failure to file the application by the March 1st deadline, and authorize the assessor to accept the application as if timely filed. For purposes of this subsection, an inability to comply must be caused by a serious medical condition of the applicant or member of the applicant's family, or an extraordinary event beyond the claimant's control. No late applications can be submitted after November 1st of the qualifying year. This section does not create any private rights whatsoever, nor does it in any manner require the assembly to introduce or adopt any such resolution.

7. Upon receipt of the completed application, any additional proof required, and affidavit, the borough assessor shall evaluate the request and grant or deny the hardship exemption within 15 borough business days. If denied, the borough assessor shall specify the reasons for the denial.

8. A person may appeal the apportionment of a hardship exemption granted under this chapter or a denial of an application to the board of equalization in accordance with HBC 3.72.100 through 3.72.120.

Haines Borough  
Ordinance No. 14-02-370  
Page 4 of 4

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS  
\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

\_\_\_\_\_  
Stephanie Scott, Mayor

ATTEST:

\_\_\_\_\_  
Michelle Webb, Interim Borough Clerk

Initially on Agenda	02/25/14 – Removed from Agenda at Administration's Request (for clarification)
Date Introduced:	03/25/14
Date of First Public Hearing:	__/__/__
Date of Second Public Hearing:	__/__/__

## Julie Cozzi

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**From:** Dean Olsen  
**Sent:** Thursday, March 13, 2014 3:48 PM  
**To:** Julie Cozzi  
**Subject:** FW: FW: HAL mandatory exemption?

Hello Julie,  
This was Marty's reply.  
Dean

---

**From:** Jila Stuart  
**Sent:** Wednesday, March 12, 2014 12:46 PM  
**To:** Marty McGee (External Contact)  
**Cc:** Dean Olsen  
**Subject:** RE: FW: HAL mandatory exemption?

Thanks Marty. This is very helpful.

---

**From:** Don McGee [<mailto:39mcgee@gmail.com>]  
**Sent:** Wednesday, March 12, 2014 12:34 PM  
**To:** Jila Stuart  
**Subject:** Re: FW: HAL mandatory exemption?

Please let me give all of you a written response on this  
I have had several recent phone conversation with AHFC and am expecting document from them today.

In my last conversation with Steve he had several question about the restrictions on the use of the property.

Ownership and use are. Determinative as per the alaska Supreme Court. The owner is clearly a qualifying not for profit charity.

The use has to do with the rent and tenants

Dean and I know enough about the intended rent and tenants to say it qualifies

Steve wanted me to document the restrictions in the financing. HAL could not provide and I seeking from AHFC

The applied a test called a dominant profit motive. This is a low threshold and does not require the level of documentation recommended by Steve recently.

I believe there is little risk associated with the determination that this is charitable for 2014

If space is leased. For profit in 2014 it can be spatially apportioned for the 2015 tax roll

On Wednesday, March 12, 2014, Jila Stuart <[jstuart@haines.ak.us](mailto:jstuart@haines.ak.us)> wrote:

So what came of all of this (see email below)? In this email Marti said he was going to review information that seemed to be a "mixed result." I'd like to understand how the information he references below pointed to the mandatory exemption conclusion or was deemed to be irrelevant.

From: Don McGee [<mailto:39mcgee@gmail.com>]

Sent: Monday, February 24, 2014 4:14 PM  
To: Jila Stuart  
Cc: Dean Olsen; Julie Cozzi  
Subject: Re: HAL mandatory exemption?

I have done some more research on this today. Vince Hansen is sending me some more information tonight. The information should explain the restrictions on use and the financing agreements used for different phases of the facility.

All assisted living facilities are not exempt from taxation. The criteria is not set out 100% clear by either court cases or black letter law. I have the criteria and interpretations currently used by several taxing jurisdictions in Alaska. I reviewed them today with the State Assessor, Fairbanks assessor and Mat Su Assessor. I know what we have been using in Anchorage in recent years.

It is possible to do a spatial apportionment of the tax exempt status so parts of a building or different buildings on the same site get different exempt status. I have had to do this in Anchorage where part of the building is reserved for low income or disabled tenants by the deed or financing agreement.

I understand you have something going in front of the assembly tomorrow night which would remove the community purpose exemptions. I also understand that you are considering tabling action on this until you are certain about the charitable exempt status. That might be the safest course of action.

The information I got today is a mixed result and interpretation of the most recent court decision by the Alaska Supreme court on this issue. I am hopeful that the information provided by Vince can answer any question and we can all be confident of an exempt determination as charitable property but I can not answer that question until I review the information.

On Mon, Feb 24, 2014 at 10:31 AM, Jila Stuart <[jstuart@haines.ak.us](mailto:jstuart@haines.ak.us)<<mailto:jstuart@haines.ak.us>>> wrote: Are all assisted living facilities exempt from property taxation in Alaska? I recall that Brooks questioned whether or not assisted living would be a mandatory exemption and for some reason when HAL was first constructed they went with an optional exemption. As I understand it some of HAL's clients are not low income. Some pay in the range of \$5,000/month to live there. I am unclear on whether or not the exemption is linked to income/need.

From: Dean Olsen  
Sent: Monday, February 24, 2014 10:21 AM  
To: Jila Stuart; Julie Cozzi; Marty McGee (External Contact)  
Cc: Vince Hansen  
Subject: RE: HAL mandatory exemption?

Jila,  
I talked with Vince Hansen this morning to verify the projected base fee and he confirmed the amount. However, HAL is closely audited by several agencies and they are not out of line with other similar facilities in Alaska. St. Lucy's is for low income residents and HAL is made up mostly of volunteers. I believe the following from the New York case is the difference between the two facilities:  
"The facility, which had been granted tax exempt status pursuant to Internal Revenue Code § 501(c)(3), provided residential and health related services to aging adults, for which it charged between \$99 and \$155 per day, plus a reservation fee and charges for supplemental services, and none of its residents received supplemental security income or other government subsidy."

I reviewed this with Marty & Steve Van Sant in length. All of the required documents are on file and their charitable non-profit status is currently in good status.

Vince said he would be happy to answer any questions you have on the topic. He also stated that if they were to be categorized as a taxable organization they would not be able to make expenses and would have to close their doors.

I still believe the required exempt status is appropriate, however, as I mentioned months ago when the request for the veterans center came in for tax exempt status, I will yield the decision to administration. If someone wants to override my recommendation I have no problem with that.

Let me know if you need anything else.

Dean

P.S. Vince Hanson's work # is 766-3616

From: Jila Stuart

Sent: Monday, February 24, 2014 9:32 AM

To: Julie Cozzi; Dean Olsen; Marty McGee (External Contact)

Subject: RE: HAL mandatory exemption?

Per their website the projected base fee for living at HAL is \$4,700 per month ( $\$4,700 / 30 \text{ days} = \$157$  per day). I realize the NY case may not have any sway in AK. I just want to be sure HAL is 100% mandatory exempt before we remove them from the optional exemptions.

From: Julie Cozzi

Sent: Monday, February 24, 2014 9:26 AM

To: Dean Olsen; Marty McGee (External Contact)

Cc: Jila Stuart

Subject: RE: HAL mandatory exemption?

Well, this cannot be too far on the back burner because an ordinance is up for introduction tomorrow evening that would remove the HAL property from the list of optional community purpose exemptions that are in code. Should we just have the ordinance pulled for now?

Julie

From: Dean Olsen

Sent: Sunday, February 23, 2014 11:31 AM

To: Marty McGee (External Contact)

Cc: Julie Cozzi; Jila Stuart

Subject: FW: HAL mandatory exemption?

Marty,

Jila has inquired about the required exemption for Haines Assisted Living, St Lucy's Senior Living, and the new McRae/Soboleff Veterans Center. And she has provided the ruling in New York below.

The Morrison/Foerster report below states the charges are \$99.00 - \$155.00 per day. I do not think any of the Haines facilities are anywhere near that price.

I have to put this on the back burner for now, but we need to have a discussion before we send out notices of value.

Dean

From: Jila Stuart

Sent: Tuesday, February 18, 2014 4:53 PM

To: Dean Olsen

Subject: HAL mandatory exemption?

Can you forward me what you have from Steve or Marty about why HAL should have a mandatory exemption?  
I tried Google and found this which, of course, is New York and not Alaska.

Assisted living facility not tax exempt

- Morrison & Foerster LLP <<http://www.lexology.com/contributors/1731/>>
- USA
- 
- December 5 2011
- [Morrison & Foerster LLP logo] <[htt](#)

## Julie Cozzi

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**From:** Dean Olsen  
**Sent:** Tuesday, March 11, 2014 5:28 PM  
**To:** Julie Cozzi  
**Cc:** Jila Stuart; James Studley; Marty McGee (External Contact); Stephanie Scott  
**Subject:** RE: Haines Assisted Living (H.A.L.) Exempt Status

Julie,  
As you know Haines Assisted Living, (HAL), recently purchased the land formerly occupied by The Thunderbird Motel on 2nd Ave. & Dalton St. Since acquiring the property (HAL) vacated lot lines as recorded on PLAT 2013-4, demolished the old Thunderbird Motel, and is in the process of completing the new Soboleff/McRae Veterans Village, (SMVV). HAL also submitted an application requesting a Nonprofit Property Tax exemption for the SMVV. After researching what is required for a "nonprofit" to be classified as Nonprofit Charitable and be exempt from Real Property Tax per Alaska Statue (AS) 29.45.030, & (HBC), 3.70.030 HAL & St. Lucy's Senior Living will be classified as required exemptions and can be removed from Haines Borough Code as optional Community Purpose exempt properties.

St. Lucy's is low cost senior housing for low income seniors and is easy to classify as a required exemption. HAL, a recognized nonprofit in good standing with the State of Alaska and the IRS, demonstrates its charitable status in a lease agreement with St. Lucy's for Lot 14 2A, (the location of St. Lucy's), at a lease rate of \$1.00. HAL will be extending the charitable lease rates to other nonprofits that want to lease office space in the new Soboleff/McRae Veterans Village by offering lease space at \$0.87/sq. ft. which is substantially less than local fair market value. HAL is working for "the good of the community" by allowing other nonprofits that are an asset to the Haines community to cut their leased space costs which will help relieve operating expenses and will hopefully extend to better services to the public. Marty McGee, contract assessor for the Haines Borough is in agreement with the classification of these properties. Please let me know if you have questions or are in need of further action on this topic.

Sincerely,

*Dean Olsen*

Asst. Assessor  
Haines Borough Land Dept.  
Haines, AK 99827  
Ph. # (907) 766-2231 Ext. 33  
Fax # (907) 766-2716

## Krista Kielsmeier

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**From:** Dean Olsen  
**Sent:** Monday, November 25, 2013 12:19 PM  
**To:** Julie Cozzi  
**Cc:** McGee Marty (McGeeDM@ci.anchorage.ak.us); Stephanie Scott  
**Subject:** Haines Assisted Living & New Vet building  
**Attachments:** Memo HAL exempt app.pdf; HAL tax exempt app Lot 5A & Vet Village.pdf

Julie,  
Attached is a memo related to an application for tax exempt status submitted by Jim Studley for Haines Assisted Living. The report is quite detailed but the bottom line is this:

- Haines Assisted Living (HAL) is a recognized non-profit charitable organization that I believe qualifies for required exempt status NOT an optional community purpose exemption as it is classified now.
- HAL now owns four lots after vacating the lot lines of several lots in block 8 of the Haines Townsite, (Lots 1-5 & Lots 11-14 were involved with the vacated lot lines).
- The four lots are Lot 5A, (the location of the new Soboleff/McRae Veteran's Village under construction). Lot 6, (designated parking for the Veteran's Village), Lot 14A1, (the location of Haines Assisted Living facility), & Lot 14A2, (the location of St. Lucy's Senior Living facility).
- Lots 14A1, 14A2 & lot 6, along with the Haines Assisted Living facility, and St. Lucy's Senior Living facility are currently exempt by Haines Borough Code under the community purpose optional exemption, but the legal description of the land is now outdated due to the most recently recorded plats showing vacated lot lines.
- The tax exempt application submitted by Jim Studley is for Lot 5A, (the location of the new Soboleff/McRae Veteran's Village). This is the location of the former Thunderbird Motel that was recently demolished, and has been taxable up to the 2013 tax year.
- HAL owns all of the land described above along with the Haines Assisted Living facility and the Veteran's Village under construction.
- St. Lucy's Senior Living is a Charitable Nonprofit separate from HAL and owns the St. Lucy's facility only.

After consulting with Steve Van Sant, State Assessor, and acquiring copies of all necessary documentation required for nonprofit charitable organizations for both HAL and St Lucy's Senior Living, it is recommended that all of the above real property be classified as required exemptions under HBC [3.70.030](#) and/or AS 29.45.030 (C) (3).

If our contract assessor does not agree with my opinion I will yield and follow the necessary instructions for these accounts, otherwise let me know how you would like to proceed with HAL's application for tax exempt status on lot 5A and the corrections needed to legal descriptions in code related to HAL & St. Lucy's optional exemption property.

Thank you for your attention to this matter.  
Sincerely,

*Dean Olsen*

Asst. Assessor  
Haines Borough Land Dept.  
Haines, AK 99827  
Ph. # (907) 766-2231 Ext. 33  
Fax # (907) 766-2716



## Memo

To: Julie Cozzi, Borough Manager  
Cc: Marty McGee, Haines Borough Contract Assessor

From: Dean Olsen, Assistant Assessor  
Date: 11/25/2013

Re: Haines Assisted Living Inc. application for Real Property Tax Exemption Lot 5A, Block 8, Haines Townsite, and Haines Borough Code, (HBC), .70.030 and 3.70.040 Local exemptions and exclusions.(D) (5)

Julie,

Haines Assisted Living Inc., (HAL), is applying for tax exempt status for account C-TNS-08-0200 which is the location of the new Soboleff McRae Veterans Village under construction on lot 5A, Block 8, and Haines Townsite. This property is in the location of the recently demolished Thunderbird Motel. The account is currently taxable even though it is owned by HAL, a non-profit organization, because up until late spring of 2013 the land was vacant, and prior to that the use was commercial.

It is important to point out the details of HAL's accounts, because changes have occurred that need to be addressed by the Haines Borough Assembly involving HAL's optional exemption written in code, and the types of exemptions, (optional/community purpose vs. required), which will have more of an impact on the Full Value Determination, (FVD), calculated by the State of Alaska each year as this nonprofit facility grows in size and value.

Currently in Borough Code local exemption #5 reads:

*Land and improvements situated on Lots 5, 6 and 11 through 14, Block 8, Townsite Addition, dedicated to the Haines Senior Assisted Living Facility and owned by Haines Assisted Living Inc.;*

- With the recording of Plat 2010-4 three years ago, lot lines were vacated involving *Lots 11 through 14, Block 8, Townsite Addition*. Per Plat 2010-4 lots 11-14 are now Lots 14A1 and 14A2.
- With the recording of Plat 2013-4, Lot 5 is now included with fractional lots 1 & 2 as well as lots 3 & 4 which are currently taxable accounts. The combination of the five lots via vacated lot lines forms Lot 5A, Block 8, Haines Townsite as shown on Plat 2013-4.

More importantly, HAL is currently classified as an *optional/community purpose exemption* in Haines Borough Code. Optional exemptions reported in the Annual Report filed after the certification of the tax roll are not *excluded* from Full Value Determination by the State of Alaska. The value is added back into the FVD, and Haines Borough must contribute to that value for the local contribution to schools. For optionally exempt property that contribution is made without the borough acquiring a real property tax from the accounts. The assessed value of HAL is increasing with additions to their facilities. First St. Lucy's was added to Haines Assisted Living, and now the Veterans Village is under construction. These are either new, or relatively new improvements with minimal depreciated value that together will have a replacement cost new in the neighborhood of 15 million dollars. This is going to have a larger impact on the Full Value Determination by the State than it has in past years.

However, after reviewing Alaska Statue (AS) 29.45.030 & 29.45.050, as well as Haines Borough Code, (HBC), 3.70.030 and 3.70.040 covering required and optional exemptions, I believe HAL has been given exempt status as an optional exemption by Haines Borough Code 3.70.040 incorrectly. Alaska Statue and Haines Borough Code both allow real

property tax exempt status under, AS 29.45.030 and HBC 3.70.030 for nonprofit charitable organizations. Both HAL & St. Lucy's are federally recognized charitable nonprofit organizations as shown by the following:

- HAL & St. Lucy's are recognized by the Internal Revenue Service (IRS) as registered 501(C) (3) charitable nonprofits in good standing.
- HAL & St. Lucy's Senior Living, Inc. have provided all necessary documentation required to verify these organizations nonprofit charitable status with their completed applications.
- Form 990 filed with the IRS & provided to the Haines Borough Assistant Assessor by both organizations verifies their nonprofit charitable status in good standings with the IRS

Therefore, both qualify as required exemptions under Alaska Statue and Haines Borough Code:

On October 30, 2013 I consulted with Steve Van Sant, State Assessor for the State of Alaska about the classification of these nonprofits. Mr. Van Sant agreed that if the organizations are "**True**" nonprofit organizations, and not a cover for private individual(s) to make an unusually large profit under the cover of the nonprofit, they are allowed as required exemptions under AS 29.45.030 and HBC 3.70.030 as nonprofit charitable organizations.

Please inform me if you need further verification, or justification from any other sources prior to addressing the necessary changes to Haines Borough Code that will be necessary regardless of final exemption classification for these nonprofits.

Sincerely,

Dean Olsen  
Assistant Assessor,  
Haines Borough Land Department



HAINES BOROUGH, ALASKA  
 P.O. BOX 1209  
 HAINES, AK 99827  
 (907) 766-2231 \* FAX (907) 766-2716

RECEIVED  
 OCT 21 2013

Haines Borough

EXEMPTION APPLICATION  
 Request for Nonprofit Property Tax Exemption

Applicant contact Information: Name Haines Assisted Living Inc.  
 Address PO Box 916 Haines AK 99827  
 Phone # 766-3616

Assessment/Tax Year 2013-2014 Parcel No. C-TNS-08-0800 # 0500

Organization Name Haines Assisted Living Inc. (HAL)

Property Location Second & Dutton lot 5A Blk B Haines Townsite

1. Is the organization organized for business or profit making purposes? Yes  No   
HAL is an organized business with a nonprofit 501(c)(3) IRS code

2. Is this property used exclusively for the exemption sought? Yes  No   
 If the answer is no explain:  
HAL is a not for profit corporation with a mission statement "... to foster affordable housing opportunities for those in need in the Haines Borough".

3. Explain how the use of this property is eligible for the exemption sought. Answer to No. 1 above and its relationship to the exemption type; as an example - nonprofit charitable (AS 29.45.030(3)).  
NON profit charitable 501(c)(3) also meets state of Alaska statute as a non profit

I hereby certify that the information provided is true and correct to the best of my knowledge.  
 Principal/Agent James Studley Title President  
 Signature: James Studley Date 10/21/13

Attention: All information required on page 2 of this application must be included when applying before exempt status is considered.



HAINES BOROUGH, ALASKA  
 P.O. BOX 1209  
 HAINES, AK 99827  
 (907) 766-2231 \* FAX (907) 766-2716

**AS Sec. 29.45.030 Required exemptions:**

(a) The following property is exempt from general taxation: (3) property used exclusively for nonprofit religious, charitable, cemetery, hospital, or educational purposes:

**HBC 3.70.030 Required exemptions:**

A. The following property is exempt from general taxation: (3) Property used exclusively for nonprofit religious, charitable, cemetery, hospital or educational purposes.

A request for exemption from the property taxes must be received by **March 1** of the applicable tax year. The property must be in use as of January 1 of the tax year in order to obtain an exemption for that year. Exemptions are not prorated and are granted based on two critical criteria: 1) not for profit ownership and, 2) exclusive use of the property for an exempt purpose. Typically vacant land is not exempt.

*The property owner is responsible for proving that the property is used exclusively for an exempt purpose and qualifies for an exemption. The owner is required to provide at a minimum the following items with the application:*

1. The articles of incorporation, state certificate of incorporation, constitution &/or bylaws for the organization.
2. Documents to support the organization's not-for-profit status (e.g. IRS 501(c) (3) determination letter, or equivalent).
3. Contracts of any type describing or memorializing use of the property by a person, or entity other than the applicant organization.
4. Description of any remuneration received by the applicant organization including:
  - a. Any property, or portion of property, from which rentals or income are derived.
  - b. Actual operating expenses, excluding debt service or depreciation.
5. Where property is leased by the organization to other entities, financial statements for the past tax year including income and expense reports, and description of any debt service or depreciation included in the financial statements for the property.
6. For property used for an educational purpose, the detail of course curriculum and classroom space.
7. For property used as a religious residence, the detail of the resident's ordination, commission or license (according to the standards of the religious organization), and proof of resident's employment by the religious organization as its minister.
8. The municipal assessor or designee may request additional information prior to its determination, as reasonably necessary to determine the exempt status of a property in accordance with municipal code and regulations and state law.

**DO NOT WRITE IN SHADED AREA**

Assessor Approval Yes  No  Signature Dean M. Olsen Date 11-25-2013



**Haines Borough  
Assembly Agenda Bill**

Agenda Bill No.: 14-440  
Assembly Meeting Date: 3/25/14

Business Item Description:	Attachments:
Subject: Update the Borough Manager's Purchasing Authorization Limits	1. Ordinance 14-03-372 2. Memo from the Finance Director
Originator: Finance Director	
Originating Department: Finance	
Date Submitted: 3/17/14	

**Full Title/Motion:**  
Motion: Introduce Ordinance 14-03-372 and set a first public hearing for 4/8/14.

**Administrative Recommendation:**  
This amendment is recommended by the interim manager.

**Fiscal Impact:**

Expenditure Required	Amount Budgeted	Appropriation Required
\$ N/A	\$	\$

**Comprehensive Plan Consistency Review:**

Comp Plan Policy Nos.:	Consistent: <input type="checkbox"/> Yes <input type="checkbox"/> No
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**Summary Statement:**

At its meeting on 3/10/14, the finance committee reviewed the idea of increasing the manager's purchasing authorization limits and increasing the threshold for requiring competitive sealed bids. The committee recommends the proposed amendments. Also, subsequent to the committee meeting, staff has developed additional related amendments having to do with purchasing authorization limits for other staff and requirements for getting quotes.

NOTE: Even when the manager authorizes purchases that do not require assembly approval, it is NEVER free from oversight. There is always accountability, and our entire purchasing system has many checks & balances. This is a matter of efficiency. Once a budget is approved, the idea is that the borough manager should be able to make necessary purchasing decisions within that budget.

**Referral:**

Sent to: Finance Committee	Date:
Recommendation: In support	Meeting Date: 3/10/14
Refer to:	

**Assembly Action:**

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 3/25/14	Tabled to Date:

**AN ORDINANCE OF THE HAINES BOROUGH AMENDING BOROUGH CODE  
TITLE 3 SECTION 3.60.080 TO UPDATE THE BOROUGH MANAGER'S  
PURCHASING AUTHORIZATION LIMITS.**

**NOW, THEREFORE, BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:**

Section 1. Classification. This ordinance is of a general and permanent nature and if adopted with or without amendment shall become a part of the Haines Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Amendment of Section 3.60.080. Section 3.60.080 of the Haines Borough Code is hereby amended to read as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE ADDITIONS TO THE CURRENT LANGUAGE  
**STRIKETHROUGH** ITEMS ARE DELETIONS

**3.60.080 Purchasing authorization/procedures.**

A. Authorization for all purchases must be obtained prior to ordering. Supplies, materials, equipment, or contractual services **not to exceed \$25,000** shall be **made on the open market, subject to subsection (B) of this section, by the borough manager or by other borough personnel in accordance with written purchase authorization issued by the borough manager.** ~~authorized under the following guidelines. Contracts for:~~

~~1. Up to \$1,000. Department heads may authorize purchases of single items not to exceed \$1,000 on the open market. No bids are required;~~

~~2. One Thousand One Dollars to \$10,000. The manager may authorize purchases of single items costing between \$1,001 and \$10,000 on the open market, subject to subsection (B) of this section;~~

~~3. Ten Thousand One Dollars to \$20,000. The borough assembly may authorize purchases on the open market of single items costing between \$10,001 and \$20,000, subject to subsection (B) of this section;~~

~~4. More than \$20,000. Unless exempted by the ordinances of the borough or this code, all contracts and purchases for an amount estimated to exceed \$20,000~~ **\$25,000** shall be by competitive sealed bid. See HBC [3.60.090](#) through [3.60.170](#) for sealed bid process.

B. Minimum Number of Bids. All open market purchases over ~~\$1,000~~ **\$2,500** shall, whenever possible, be based on no fewer than three written bids, quotations, or statements of interest from potential suppliers. Except as set out in HBC [3.60.170](#), the bid shall be awarded to the lowest responsible bidder in accordance with the standards set forth in HBC [3.60.160](#).

C. Public Record. The purchasing agent shall keep a record of all open market bids submitted in competition thereon, and such records shall also be open to public inspection.

~~D. Purchasing Authorization Limits. Purchasing authority shall be limited to a dollar amount not to exceed \$1,000 for department heads, \$200.00 for permanent employees, and up to \$100.00 for temporary employees as authorized by the department head.~~

**E D.** Project or contract specifications shall not be subdivided to avoid the requirements of this chapter. This provision shall not preclude the use of alternate deductible items.

Haines Borough  
Ordinance No. 14-03-372  
Page 2 of 2

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS  
\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

ATTEST:

\_\_\_\_\_  
Stephanie Scott, Mayor

\_\_\_\_\_  
Michelle Webb, Interim Borough Clerk

Date Introduced: 03/25/14  
Date of First Public Hearing: \_\_\_/\_\_\_/\_\_\_  
Date of Second Public Hearing: \_\_\_/\_\_\_/\_\_\_

# Memo



**Date:** March 18, 2014  
**To:** Mayor, Assembly  
**Cc:** Julie Cozzi, Interim Manager  
**From:** Jila Stuart, Chief Fiscal Officer  
**RE:** Purchasing Authorization – Proposed Code Amendment 3.60.080

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This memo provides background for the attached, proposed changes to HBC 3.60.080. At their meeting on March 10, the Finance Committee discussed and recommended #2 and #3 below. #1 and #4 were proposed or refined by staff after the finance committee meeting.

- 1. The removal from code of spending authorization limits for department heads and other employees subordinate to the Borough Manager.** The current code sets spending authorization limits for department heads and other employees. Because different department heads have different spending needs, it's not useful to have the same spending authority for all department heads. For instance, the Public Facilities Director manages multi-million dollar construction projects and close to \$2 million of annual operating budgets. Several other department heads make purchases only in the tens of thousands during a year. Also, the Manager may find it appropriate to give additional spending authorization non department heads such as the mechanic or the public works supervisor. They have a need for a higher spending authorization than a clerical employee or a lifeguard for instance. Under the current code all non-department heads have the same spending authority. It's appropriate for the manager to set these spending limits within his or her spending authority on a form designed for this purpose.
- 2. Increase Manager's spending authority to \$25,000.** An Assembly member raised the issue of why purchases, which have been approved in the budget, come back to the Assembly for approval. Currently the Manager's spending limit is \$10,000. Raising the purchase authorization would increase flexibility for the Manager so that he or she could make purchases without scheduling around Assembly meetings. Additionally, it would save staff time by reducing the size of meeting packets -though it may not save time at meetings since these items usually appear on the consent agenda. The chart below shows the Haines Borough's Manager spending limit compared to other communities:

Purchase Authorization Comparison Chart		
Municipality	Manager Approval	Public Bid Required
Haines	\$ 10,000	\$ 20,000
Wrangell	\$ 25,000	\$ 25,000
Petersburg	\$ 30,000	\$ 30,000
Skagway	\$ 5,000	\$ 25,000
Cordova	\$ 25,000	\$ 25,000
Kodiak	\$ 25,000	\$ 25,000
Ketchikan	\$ 50,000	\$ 50,000
Homer	\$ 25,000	\$ 25,000

3. **Increase threshold requiring competitive sealed bids.** Currently the threshold requiring complete sealed bids is \$20,000. The sealed bid process requires advertisement and a considerable amount of staff time. Bumping the threshold up to \$25,000 would slightly reduce the number of projects that require this process, expediting projects and saving staff time.
4. **Increase threshold requiring three written bids.** Currently purchases over \$1,000 require three written bids. Acquiring these bids is time consuming. The Borough mechanic, harbormaster, water operator, and facility maintenance techs currently spend a considerable amount of time procuring bids. Raising the threshold will free up staff time for other projects while still insuring the Borough gets the best price available for large purchases.

## Memorandum

Haines Borough  
Office of the Mayor  
103 Third Avenue S.  
Haines, Alaska 99827  
sscott@haines.ak.us  
Voice (907) 766-2231 ext. 30

March 19, 2014

To: Haines Borough Assembly

Cc: Michelle Webb, Interim Clerk  
Marianne Rasmussed, Scott Visscher, Dave Pahl, members Riverview  
RMSA

From: Stephanie Scott, Mayor, Haines Borough

Subject: Recommendation of Scott Visscher to serve on the Riverview Drive  
Road Maintenance Service Area Board

I concur with the recommendation of the Riverview RMSA to re-appoint Scott Visscher to the board, and urge you to confirm Mr. Visscher's appointment.

In its Annual Report to the Assembly dated 3/6/14, the board writes:

Scott Visscher is an asset to this board and has served a number of years. He is easily approachable, open to all points of view and there are many instances of his voluntary efforts to assist his neighbors. Scott is willing to serve and everyone present at this meeting expressed the desire that he be confirmed to continue as a member of the board.

In addition to board members present, community members present were Greg Rasmussen, Carol Pahl, Jennifer Canfield, and Annie Ennen.

I was able to speak with Scott via telephone and can attest that he is indeed willing to serve. I applaud his commitment and admire the level of trust his neighbors have expressed in his service.

DEC 23 2013

Clerk's Office



# Haines Borough Application for Board Appointment

- Appointment (I am not currently on the board)  
 Reappointment (I am currently a member of the board)

Check the board, commission, or committee for which you are applying :

Planning Commission		Port and Harbor Advisory Committee
Tourism Advisory Board		Fire Service Area Board #1
Chilkat Center Advisory Board		Fire Service Area Board #3 (Klehini)
Parks and Recreation Advisory Board		Letnikof Estates Road Maintenance Service Area Board
Museum Board of Trustees	<input checked="" type="checkbox"/>	Riverview Road Maintenance Service Area Board
Library Board of Trustees		Historic Dalton Trail Road Maintenance Service Area Board
Public Safety Commission		Four Winds Road Maintenance Service Area Board
Temporary (Ad-hoc) Board/Committee _____		

Name: SCOTT VISSCHER  
 Residence Address: #1 LOT 20 Lakeview, MOSS LK.  
 Mailing Address: HC-60 # 2842 HUS, AK. 99827  
 Business Phone: N/A Home Phone: 767-5664  
 Fax: N/A Email: visscher4@gmail.com

I declare that I am willing to serve as a member of the designated board, commission, or committee. Please enter my name for consideration of appointment by the mayor, subject to confirmation by the assembly. I am a registered voter of the State of Alaska and have resided within the Haines Borough for at least thirty (30) days preceding this date or the date of appointment.\*

[Signature]  
 Signature of Applicant

12/20/13  
 Date

PLEASE BRIEFLY DESCRIBE YOUR QUALIFICATIONS (You may attach a resume):

None to speak of

\* HBC 2.60.020 - A member of a committee, board or commission shall be a resident of the borough as defined below...a person qualifying as a borough resident shall: A) Continue to maintain the person's principal place of residence within the corporate boundaries of the borough and have done so for at least 30 days immediately preceding the date of the person's appointment by the mayor; and B) Physically occupy said residence for at least 30 days immediately preceding the date of the person's appointment by the mayor.



**Haines Borough  
Assembly Agenda Bill**

**Agenda Bill No.:** 14-437

**Assembly Meeting Date:** 3/25/14

Business Item Description:	Attachments:
Subject: Amend Previously-Adopted Resolution Authorizing Easement Lease on Dalton (Comerford)	1. Previously adopted Resolution 12-06-367 2. Amendments Proposed by Manager
Originator: Interim Borough Manager	
Originating Department: Administration	
Date Submitted: 3/17/14	

Full Title/Motion:
Motion: Amend Resolution 12-06-367 as proposed by the interim manager to reflect current property ownership.

Administrative Recommendation:
This amendment is recommended by the manager.

Fiscal Impact:		
Expenditure Required	Amount Budgeted	Appropriation Required
\$ N/A	\$	\$

Comprehensive Plan Consistency Review:	
Comp Plan Policy Nos.:	Consistent: <input type="checkbox"/> Yes <input type="checkbox"/> No

Summary Statement:
On 6/12/2012, the assembly adopted Resolution 12-06-367 authorizing the borough manager to enter into an easement lease with the Estate of Richard Comerford. Before that lease was executed, the property was sold to Thomas and Dena Selby, and the lease entered into a period of limbo. The interim manager's recommendation is for the assembly to amend this resolution to reflect the new owners.

Referral:			
Sent to:	Recommendation:	Date:	Meeting Date:
	Refer to:		

Assembly Action:	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 3/25/14	Tabled to Date:

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to lease an easement within a borough-owned Right of Way to the Estate of Richard M. Comerford.**

**WHEREAS**, Lots 2 and 3, Block 7, Townsite Addition, Haines Recording District, First Judicial District, State of Alaska contains a retaining wall, deck, and a portion of the house roof line that encroaches into the borough-owned right of way (ROW) on Dalton Street; and

**WHEREAS**, in 1972, the owner of the property, Martin A.J. Comerford, constructed his home with the appropriate permits only to discover by an updated survey that the original survey was inaccurate and a portion of his home extended into the ROW, and he petitioned the Haines Common Council to grant him an easement; and

**WHEREAS**, on August 28, 1972, the Haines Common Council approved a 10-foot easement for Lots 3 and 4 for a 10-year period expiring in 1982; and

**WHEREAS**, an exhaustive search of municipal records has produced no documentation to-date that the easement was renewed or acted on in any other way concerning this encroachment; and

**WHEREAS**, this encroachment has existed for 40 years, and the Estate of Richard M. Comerford Sr. (Martin Comerford's legal heir) has applied for a new easement for a 35-year lease period (the maximum allowed by borough code); and

**WHEREAS**, on April 19, 2012, the Planning Commission reviewed the application and recommends the assembly grant the requested easement lease for a period of 30 years to coincide with a typical mortgage loan term; and

**WHEREAS**, a January 15, 2012 as-built survey corroborates the encroachment which represents an area approximately 1,090 square feet, and a January 25, 2012 professional appraisal shows a value of \$10.95 per square foot for a total of \$11,950; and

**WHEREAS**, the borough's assistant assessor reviewed the request and has determined the appraisal value to be a fair assessment of the encroachment area; and

**WHEREAS**, Borough Code Section 14.16.190(C) states that "...the assembly may, by resolution, authorize the manager to execute the easement under such terms and conditions as are authorized by the assembly"; and

**NOW, THEREFORE, BE IT RESOLVED** that the Haines Borough Assembly authorizes the borough manager to enter into an easement lease with the Estate of Richard Comerford for the aforementioned encroachment area that includes the following terms and conditions:

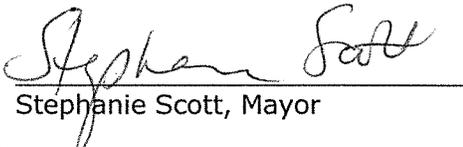
1. The lease term shall be 30 years ending June 30, 2042;
2. The Estate of Richard Comerford shall pay to the Haines Borough the sum of \$11,950 at the time of lease execution; and
3. Other than normal maintenance of the existing encroachments, any new construction or other improvements within the right of way or encroachment area shall void the lease.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on the 12<sup>th</sup> day of June, 2012.

ATTEST:

  
Julie Cozzi, MMC, Borough Clerk



  
Stephanie Scott, Mayor

HAINES BOROUGH  
RESOLUTION No. 12-06-367

Draft

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to lease an easement within a borough-owned Right of Way to the ~~Estate of Richard M. Comerford~~ Thomas and Dena Selby.**

**WHEREAS**, Lots 2 and 3, Block 7, Townsite Addition, Haines Recording District, First Judicial District, State of Alaska contains a retaining wall, deck, and a portion of the house roof line that encroaches into the borough-owned right of way (ROW) on Dalton Street; and

**WHEREAS**, in 1972, the owner of the property, Martin A.J. Comerford, constructed his home with the appropriate permits only to discover by an updated survey that the original survey was inaccurate and a portion of his home extended into the ROW, and he petitioned the Haines Common Council to grant him an easement; and

**WHEREAS**, on August 28, 1972, the Haines Common Council approved a 10-foot easement for Lots 3 and 4 for a 10-year period expiring in 1982; and

**WHEREAS**, an exhaustive search of municipal records has produced no documentation to-date that the easement was renewed or acted on in any other way concerning this encroachment; and

**WHEREAS**, this encroachment has existed for 40 years, and the Estate of Richard M. Comerford Sr. (Martin Comerford's legal heir) ~~has~~ applied for a new easement for a 35-year lease period (the maximum allowed by borough code); and

**WHEREAS**, on April 19, 2012, the Planning Commission reviewed the application and recommended ~~ed~~ the assembly grant the requested easement lease for a period of 30 years to coincide with a typical mortgage loan term; and

**WHEREAS**, a January 15, 2012 as-built survey corroborates the encroachment which represents ~~ed~~ an area approximately 1,090 square feet, and a January 25, 2012 professional appraisal shows ~~ed~~ a value of \$10.95 per square foot for a total of \$11,950; and

**WHEREAS**, the borough's assistant assessor reviewed the request and ~~has~~ determined the appraisal value to be a fair assessment of the encroachment area; and

**WHEREAS**, Borough Code Section 14.16.190(C) states that "...the assembly may, by resolution, authorize the manager to execute the easement under such terms and conditions as are authorized by the assembly"; and

**WHEREAS, before an easement lease could be executed the property was sold by the Estate of Richard M. Comerford to Thomas and Dena Selby.**

**NOW, THEREFORE, BE IT RESOLVED** that the Haines Borough Assembly authorizes the borough manager to enter into an easement lease with ~~the Estate of Richard Comerford~~ **Thomas and Dena Selby** for the aforementioned encroachment area that includes the following terms and conditions:

1. The lease term shall be 30 years ending June 30, 2042;
2. ~~The Estate of Richard Comerford~~ **Thomas and Dena Selby** shall pay to the Haines Borough the sum of \$11,950 at the time of lease execution; and
3. Other than normal maintenance of the existing encroachments, any new construction or other improvements within the right of way or encroachment area shall void the lease.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on the 12<sup>th</sup> day of June, 2012. **Amended by a duly-constituted quorum of the Haines Borough Assembly on the \_\_\_\_\_ of \_\_\_\_\_, 2014.**

ATTEST:

\_\_\_\_\_  
Stephanie Scott, Mayor

\_\_\_\_\_  
Julie Cozzi, MMC, Borough Clerk

IN THE MATTER OF

APPEAL FROM THE DECISION OF THE HAINES BOROUGH PLANNING  
COMMISSION DENIAL OF A TEMPORARY CONDITIONAL USE PERMIT  
APPLICATION FOR DEVELOPMENT OF A HELIPORT ON LOT 10 SUNDBERG  
SUBDIVISION

Appellant: Big Salmon Ventures LLC  
Appellant's Representative: Scott Sundberg

Appellee: Haines Borough Planning Commission  
Appellee's Representative: Julie Cozzi, Interim City Manager

Having sat to hear an appeal pursuant to Section 18.30.060 of the Haines Borough Code and held a properly noticed public hearing on the above-referenced appeal on March 11, 2014, considered all of the evidence in the record as identified in this decision and all of the additional information provided at the appeal hearing and having voted to reverse the decision of the Planning Commission, and order the Commission to issue a Conditional Use Permit with conditions the Borough Assembly of the Haines Borough adopts the following:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

**FINDINGS OF FACT**

1. The property involved in this appeal is Lot 10 Sundberg Subdivision located at Mile 26 Chilkat Lake Road within the boundaries of the Haines Borough ("the Property").
2. The owner of the Property is Big Salmon Ventures, LLC.
3. The Property is located in a land use district designated on the Haines Borough Zoning Map as Amended as a General Use district.
4. The Property is about 20.79 acres.
5. There is no evidence in the record that the Property is adjacent to a state-identified anadromous stream.
6. On or about January 27, 2014, Big Salmon Ventures LLC submitted an application for a conditional use permit to allow development of a commercial heliport on the Property ("the Application").
7. On January 29, 2014 the Application was accepted as complete.

10. Material in the record indicates that it is possible in some conditions for the decibel level associated with use of the portion of the Property proposed for use as a helipad to be measured at 62-69 decibels at one or more points on the Property while a helicopter was either in flight or on the ground refueling while the engine was operating.

11. On February 13, 2014 the Planning Commission held a public hearing on the Application. The Commission vote on a motion to approve a temporary one year permit with conditions that are stated in the permit application was 3 yes and 4 no so the CUP application with the proposed one year permit period was denied.

12. The Commission then passed by a vote of 6-1 a recommendation that the Assembly authorize the Borough Manager to issue a temporary conditional use permit that allowed for a limited pre-approved Borough monitored number of landings all of which were to be at least 1,100 feet from the centerline of Chilkat Lake Road between the hours of 8:30 and 4:30 to gage impacts with continued noise measurement and monitoring.

13. The Planning Commission did not prepare any written findings of fact. The Assembly has reviewed the recording of the Commission deliberations at the meeting and has determined that the main factor leading to denial of the application was noise associated with the proposed use as referenced in objections to the proposed use received from members of the public.

14. A timely appeal was filed by Big Salmon Ventures on February 18, 2014.

## **CONCLUSIONS OF LAW**

1. The following items, in addition to those presented by Appellant and Appellee at the appeal hearing are considered part of the record of this proceeding:

Minutes and recording of 02/13 Planning Commission Meeting  
Pages 42-137 of the Assembly Packet for the March 11, 2014  
Assembly meeting  
3/8/2014 Basford e-mail  
3/8/2014 Jans e-mail

2. As the party challenging the decision of the Commission, Big Salmon Ventures had the burden of proof in establishing the permit was wrongfully denied. HBC 18.30.060(B).

3. Any property within the General Use District proposed for use as a commercial heliport in support of commercial ski tours requires a conditional use permit. HBC 18.70.030(D)(5), HBC 5.20.080(F)(14)(d).

4. The conditional use permit process is intended to evaluate proposed uses and issues

of community-wide importance and subject those proposed uses to a broader public process and higher standards than approvals by the manager. The conditional use process is intended to afford the commission and the community the flexibility necessary to make development approvals that are appropriate to specific sites, uses, or designs provided certain conditions are met. HBC 15.50.010.

5. Before a conditional use may be allowed the Planning Commission must find that all of the following criteria are met:

A. The use is located on the site so as to avoid undue noise and other nuisances and dangers.

B. The development of the use is such that the value of the adjoining property will not be significantly impaired.

C. The size and scale of the use is such that existing public services and facilities are adequate to serve the proposed use.

D. The specific development scheme of the use is consistent and in harmony with the comprehensive plan and surrounding land uses.

E. The granting of the conditional use will not be harmful to the public safety, health or welfare .

F. The use will not significantly cause erosion, ground or surface water contamination or significant adverse alteration of fish habitat on any parcel adjacent to state-identified anadromous streams .

G. The use will comply with all required conditions and specifications if located where proposed and developed, and operated according to the plan as submitted and approved.

H. Comments received from property owners impacted by the proposed development have been considered and given their due weight.

HBC 18.50.040(A). Finding that even one of the general standards is not met requires the conditional use to be denied without consideration as to whether any of the other general standards are met.

6. The conditions to be included in the permit must be taken into consideration when determining whether the criteria for issuance of a conditional use permit have been met.

7. The denial of the CUP application with a one year time limitation but the adoption of a recommendation for issuance of a temporary conditional use permit implies that a time limitation of less than one year or the imposition of additional conditions may have been approved by the Commission. It also implies that the Planning Commission assumed the interim borough manager had the legal authority to issue conditional use permits.

8. The planning commission erred by giving undue consideration to the statements related to undue noise as opposed to the decibel information and by failing to consider fully the difference in noise impact between a one year permit and a permanent conditional use permit which contained the other conditions referenced in the Planning Commission recommendation. In particular, the Commission's apparent belief that the Borough Manager has authority to issue conditional use permits on a temporary basis is incorrect as a matter of law.

9. If the Planning Commission had incorporated its recommendations into a conditional use permit that permit would have met all eight of the standards of section 18.50.040(A). Therefore such a permit should have been granted by the Commission provided it was subject to additional conditions as set forth in these findings of fact and conclusions of law .

10. In particular, the Assembly finds that restricting the conditional use of the property as a heliport for a period expiring in one year and that is further subject to the conditions set forth in this decision results in location of a use on the property which does not generate "undue noise" as that phrase is used in HBC 18.50.040(A) and also provides "due weight" to the comments received from property owners impacted by the proposed use.

11. The Planning Commission is hereby directed to issue a Conditional Use Permit to Big Salmon Ventures, LLC for use of Lot 10, Sundberg Subdivision as a heliport with the following conditions:

- a. Duration of Period of Use. This is a temporary conditional use permit which shall commence April 1, 2014 and shall expire May 3, 2015.
- b. Operating Hours. 8:00 A.M. to 6:00 p.m..
- c. Only one company is allowed to use the heliport.
- d. No use of Bell 212 helicopters.
- e. The following conditions proposed by the applicant are also included in the permit:
  1. Fuel storage to be done in accordance with ADEC standards with a fuel spill containment program in place before operations begin.
  2. Specific identified GPS flight paths after take off and landing that will create the least amount of noise and impact to nearby residences and take place over state lands to be submitted to the Borough, tracked using GPS tracking and reported in the manner required by SEABA's commercial ski tour permit.
  3. 2015 Dates of operation: February 1<sup>st</sup> through May 3, 2015;
  4. Allowance of emergency use for state and federal response, medical,

firefighting.

5. Up to 1 voluntary shut down of operations per month for special nearby events that would be considered a nuisance or would disturb the quality of the planned event .

12. The conditional use with the above conditions meets the standard of section 18.50.040(A)(2) because there is no evidence in the record that use of the property for a heliport for a year subject to these conditions will significantly impair the value of the adjoining property.

13. The conditional use with the above conditions meets the standards of section 18.50.040(A)(3) because the size and scale of the proposed heliport is adequately served by existing borough services.

14. The conditional use requested meets the standards of section 18.50.040(A)(5) because granting the conditional use with the conditions specified above results in a seasonal use during a fairly short window for one year which is not harmful to the public safety, health or welfare.

15. The conditional use with the above conditions meets the standards of section 18.50.040(A)(4) because; 1) a specific development scheme which is consistent and in harmony with the comprehensive plan accompanied the application and; 2) the limited temporary use allowed provides an opportunity to more objectively assess longer term impacts and noise associated with use of the Property as a heliport which is consistent with the comprehensive plan suggestion that the Borough develop a management plan and criteria for siting of heliports and ; 3) because a variety of uses with noise impacts are already permitted in the general use district.

16. The conditional use with the above conditions meets the standards of section 18.50.040(A)(6) because a heliport on the Property will not cause erosion, ground or surface water contamination.

17. The conditional use with the above conditions meets the standards of section 18.50.040(A)(7) because the Assembly presumes the applicant will comply with all permit conditions. If this assumption proves incorrect the permit may be revoked as allowed by Borough code.

Wherefore, having set forth findings of fact and conclusions of law, the Borough Assembly of the Haines Borough sitting as an appeal body under HBC 18.30.060 hereby REVERSES the decision of the Haines Borough Planning Commission denying the application for a conditional use to allow use of Lot 10, Sundberg Subdivision as a heliport and ORDERS the Planning Commission to issue a conditional use permit to Big Salmon Ventures LLC with the conditions contained above.

Duly adopted this \_\_\_<sup>th</sup> day of March, 2014.

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Hon. Stephanie Scott  
Mayor, Haines Borough

CHILKAT INDIAN VILLAGE



"Yee gu.aa yax x'wan."

**An Indian Reorganization Act Village  
Under Act of Congress June 15<sup>th</sup>, 1935**  
32 Chilkat Ave. Klukwan, Alaska 99827  
HC60 Box 2207 Haines, Alaska 99827  
Phone: 907-767-5505  
Fax: 907-767-5518  
[klukwan@chilkat-nsn.gov](mailto:klukwan@chilkat-nsn.gov)

Stephanie Scott, Mayor  
Haines Borough  
P.O. Box  
Haines, AK 99827

March 6, 2014

Dear Stephanie,

I am writing on behalf of the Chilkat Indian Village Council and the community of Klukwan to ask you, and the Haines Borough Assembly for a letter of support for the Jilkaat Kwaan Cultural Heritage Center Project. This project has been in the works for a very long time and we are close to completion but we need your help to give the final push. We still need 3.5 million to complete the structure and have submitted a request to the Alaska State Legislature in the amount of 2 million to complete the interior and help with exhibit installation.

We believe that this project is more than just a community project for the village of Klukwan. It is a project that will benefit the entire Chilkat Valley, the Southeast Region and the State of Alaska for the following reasons:

**First, we received a \$3.5 million legislative grant in FY12 for Phase I.** We did not want to lose any value on the dollar through escalation so we decided to move forward and get the building enclosed. As it turns out, through good weather and good management, **we were able to complete Phase I construction with a surplus of funds and so we pushed forward and used \$200,000 to frame all the interior walls, rough in the electrical, and insulate the ceiling and exterior walls. We still have some surplus that we are saving to put toward the remainder of Phase 2.** The caveat of moving ahead with construction to avoid escalation has put us in the position of having to heat the shell of the building to protect the integrity of the cement slab floor. This is costly and we must move ahead with completion of the building as soon as possible so that we can begin to use it and bring in revenues to support it. **The State of Alaska has a vested interest in helping protect their previous investment of \$3.5 million.**

**Second, one major component of the Heritage Center is the Eagle Viewing Lobby.** The lobby measures 42' by 42' and has a vaulted ceiling with large expansive windows that overlook the Chilkat River. As you all know, Klukwan sits in the heart of the "Council Grounds" (the main congregating area) of the Chilkat Bald Eagle Preserve which gets the highest concentration of bald eagles in the world. The members of the Alaska legislative body may not be aware that the Chilkat Bald Eagle Preserve celebrated its 30<sup>th</sup> anniversary last year. **The State's Chilkat Bald Eagle Advisory Council passed a resolution last February supporting a partnership between the State Division of Parks and the Jilkaat Kwaan Heritage Center to provide visitor facilities in the area of the Preserve. We have been in discussions with Southeast Superintendent of Parks Mike Eberhardt and he has stated that his division is very interested in partnering with us to help accommodate visitors to the Preserve; however, the lower level parks personnel need approval from the Parks Commissioner and the Governor to take any official action toward a partnership.** To have a partnership between the Division of Parks and our non-profit would be mutually beneficial as it is more cost effective to share the

cost of running one facility than to build and operate separate facilities. Mr. Eberhardt suggested that the public will need to impress upon the Parks Commissioner and Governor Parnell the importance and benefits of both funding the construction of the facility and the partnership between the State and the JKCHC non-profit.

**Third, both the Chilkat Bald Eagle Preserve and the JKCHC facility are adjacent to the Haines Scenic Byway which was recently designated a National Scenic By-way.** This designation will bring more visitors to the area and it is important for them to have places to visit and things to do. **The JKCHC facility will provide visitors with cultural, historic, and scientific information related to the flora, fauna, and geology of the Chilkat Valley, and the creature comforts of a warm, inviting facility, with public washrooms.** Currently there are no indoor facilities to accommodate road travelers in the vicinity of the Preserve.

**Fourth, the JKCHC complex has already had a positive impact at the state level.** Since the completion of the Traditional Knowledge Camp we have been providing cultural exchange events and activities that educate and help bring understanding and wellness to people from all over the state. We have an ongoing relationship with the Alaska Humanities Forum's Rose Rural-Urban Exchange Program and for the past 10 years have hosted teachers from the urban areas of our state at our subsistence camps. In addition, we have hosted groups of teachers and students from Juneau, Sitka, Haines, Angoon, and Wrangell at our camps and through events like our "Culture Days" where we offer workshops in storytelling, traditional crafts, song and dance, traditional foods preparation, and more. **Our programs have had such a positive impact that they have been used as a model by the Southeast Alaska Regional Health Consortium to bring "wellness" programs to other communities in Southeast.**

**Finally, the cultural arts that will be displayed in our facility are considered by experts to be "world-class" and thus, are a credit to the State of Alaska.** The Whale House Collection of the Gaanaxteidi Clan in Klukwan is well known and highly esteemed by experts in the field of Northwest Coast Art and to have them on display in their place of origin makes the collection even more compelling. **Having this world class attraction is bound to have a significant impact upon the regional and statewide efforts to build the tourism industry.** Moreover, the Chilkat people, and other indigenous people groups, are an important part of the history and culture of Alaska and the State has a vested interest in preserving that segment of its history. The Whale House Collection is currently stored in an unheated, unprotected building that makes the collection vulnerable to fire, theft, and deterioration. The tribal government and community of Klukwan have done all that we can do to get this facility in place but the project is bigger than us and **we need the assistance of the State to complete the project.**

**We are currently working with the McDowell Group, a consulting firm in Juneau, to update our business plan for the JKHC and we are confident that we can prove sustainability with our identified sources of revenue,** including: partnerships with the State Division of Parks for the Eagle Viewing Lobby and the University of Alaska Southeast-Sitka Campus for classroom spaces for the Northwest Coast Art and culture classes they offer in our area; revenues from the National Park Service's Historic Preservation Office program; and fees for admissions, tours, rentals for events, annual fundraising, and grant income for projects, programs, and activities. We are also planning on establishing an endowment fund to strengthen sustainability.

Please let me know if you have any questions in regard to the project. If you do choose to support us with a letter, may we further suggest that you send the letter to the following officials:

Senator Bert Stedman, Representative Kreis-Tompkins, Representative Dennis Egan, Representative Cathy Munoz, Senator Lesil McGuire, Senator Kevin Meyer, Representative Alan Austerman, Department of Commerce & Community Economic Development Commissioner Susan Bell, State Parks Director Ben Ellis, and Governor Sean Parnell. Thank you again for your consideration of this request.

Best regards,

A handwritten signature in blue ink that reads "Jones P. Hotch Jr." with a stylized flourish at the end.

Jones P. Hotch Jr.  
C.I.V. President

**DRAFT**

March 25, 2014

Senator Bert Stedman  
Room 30, Capitol Building  
Juneau, Alaska 99801

Representative Jonathan Kreiss-Tomkins  
Room  
Juneau, Alaska 99801

Re: Jilkaat Kwaan Cultural Heritage Center Project

Dear Senator Stedman and Representative Jonathan Kreiss-Tomkins,

We urge you to provide financial assistance to the Chilkat Indian Village Council and the community of Klukwan so that they may move closer to the completion of the Jilkaat Kwaan Cultural Heritage Center.

The Chilkat Indian Village is uniquely situated in the Alaska Chilkat Bald Eagle Preserve; the Heritage Center will include an Eagle Viewing Lobby in the heart of the "Council Grounds" – the main area where eagles congregate. The Chilkat Indian Village seeks to partner with the Alaska Division of Parks to provide visitor facilities in this area of the Preserve. Despite the fact that the Preserve has been established for 30 years, and attracts thousands of visitors in one of the coldest months of the year (November), the Eagle Viewing Lobby will be the first structure that protects observers from the inclement weather. The Heritage Center will provide needed infrastructure to attract visitors to the Chilkat Valley.

The Chilkat Indian Village is an integral part of the Chilkat Valley and as it thrives so will we all.

Thank you for your support.

Sincerely,

Stephanie Scott  
Mayor, Haines Borough

Cc: Governor Sean Parnell, Senator Dennis Egan, Senator Lesil McGuire, Senator Kevin Meyer, Representative Alan Austerman, Representative Cathy Munoz, Department of Commerce & Community Economic Development Commissioner Susan Bell, State Parks Director Ben Ellis

*[Haines Borough Letterhead]*

*Date*

Dear USDA Community Food Projects Grant Selection Committee,

The Haines Borough would like to express our support for the Takshanuk Watershed Council's (TWC) proposal to improve food security in Haines, Alaska. As outlined in the Haines Borough 2025 Comprehensive Plan Objective 5F, supporting local agriculture, gardening, and food production is a commitment of the Borough. We support TWC's proposal to continue to develop linkages between sectors of the food system, build the capacity of the Borough through a Food Planning Association, and to develop new strategies to alleviate the food insecurity that is faced by so many Southeast Alaskan communities.

Thank you for your time and consideration.

Sincerely,

## **USDA Community Food Projects Outline – 3 years**

**Grant Title:** Improve Food Security of Haines, Alaska.

### Objectives

1. Develop linkages between 2 or more sectors of the food system
  - a. Continue and expand the Garden Gate to School Plate Program
  - b. Establish a Food Hub (?) with SE SWCD?
    - i. Food hubs are a key component of USDA's Know Your Farmer, Know Your Food initiative.
2. Build long term capacity a Food Planning Association in Haines
  - a. Form local stakeholder group to drive local food security
  - b. Pre/Post growing season meetings with cultivators
  - c. Community food emergency and resilience plan
3. Develop new resources and strategies
  - a. Nutrition education
  - b. Community storage (CIA root cellar?)
  - c. Food Preservation and preparation skills trainings
  - d. CIA Food program – equipment sharing

## Report to Assembly

Southeast Conference, Mid-Session 2014

Juneau, AK

Prepared by Debra Schnabel, Assembly Member

What is the purpose of the SE Conference? Southeast Conference performs an important function on behalf of Southeast Alaska's incorporated and unincorporated communities. It guides and supports economic development in the region in accordance with a Strategic Plan recognized by federal funding agencies.

What did I learn? Attendance at the SE mid-session conference demonstrated to me that communities that plan and work with an Overall Economic Development Plan (OEDP) integrated with the Conference's Comprehensive Economic Development Strategy (CEDS) develop momentum and achieve community economic development goals. The structure provided by SE Conference and the resources available through its associations and networks propels a community's articulated vision.

I came away from the conference with a sense that economic development in the Haines Borough could be advanced with a stronger commitment to participate in the SE Conference strategy (Haines Borough CEDS program was overlooked by the Earnest Administration). I submit this report encouraging the Assembly to focus on the development of an OEDP using our Comprehensive Plan and additional, immediate economic initiatives as a first step toward ensuring or securing a viable and sustainable economy in the Borough.

I also relearned that everything is political...it comes to a decision of what you want to do and how effective one is in gaining support for the idea.

What communities were represented, and how? Communities present and reporting: Ketchikan, Prince Rupert, Haines, Craig, Thorne Bay, Sitka, Kake. Communities reported optimism in direct relation to the clarity of their vision statements and strategic plans. Example: Sitka has developed a Master Plan for six identified "pillars" of the economy and every decision that it makes re: infrastructure is based in the commitment to nurture and expand those segments of the economy while keeping government small.

Who presented on what topics and how did Haines participate?

Legislation: There was considerable debate on the issue of oil tax reform (HB21) enacted in 2013 and the Initiative #1 to repeal it. We heard from Dep. Commissioner of Revenue Pawlowski, Governor Parnell, Senator Bert Stedman, Senator Mill Wielechowski, Bill Corbus, Rep. Hollis French, the Oil & Gas Association. Messages about what is best for the state re: oil tax reform were contradictory (Parnell: retain HB21; Stedman: repeal HN21).

Messages about capital funding were contradictory. (Parnell: I am providing \$300-\$400 million in capital projects for communities; Stedman: No, we're not.)

How to work the legislature: Representative Doug Isaacson gave a primer on how to work the legislature for capital funding: (1) Go to your own representatives first; legislative protocol does not

respect working outside of your district; (2) Go to the Sub finance committee of the Committee dealing with your project.

Solid Waste: Darsie Culbeck and I attended a board meeting of the Southeast Alaska Solid Waste Authority. Darsie will maintain contact to ensure notice of opportunity to participate in regional efforts to recycle and otherwise manage solid waste.

Transportation: Rep. Peggy Wilson discussed the need for a constitutional amendment to allow the state to reinstate a dedicated fund for sustaining transportation infrastructure. (HJR10)

Food Sustainability: SEC is actively supporting research into food sustainability, and several presenters indicated that financial support is available for those who want to pursue agricultural projects. Note: Alaska Community Emerging Food Cache System.

Good Neighbor Agreements and Resources: a presentation by SEACC described how GNA can coordinate dissenting community groups in development issues. It was a reminder to access this resource as mining & timber opportunities come on board in the borough. Mining: the Industry reported that federal regulations on mining exploration and development are “unbearable.” Alaska has world-class mineral potential, but that private investment does not meet the potential because of ballot initiatives, litigation, etc. “EPA is the equivalent of a nationalization movement.” (Deantha Crockett, AK Miner’s Assoc.) Energy issues re: mining: Mines are energy intensive, so mineral and energy issues are shared/related. Forestry: Seeing the forest as a “living, breathing organism” is the new way to manage the forest, as opposed to drawing lines around competing interest.

Fisheries: The sea otter issue is HUGE...impacting the shell fish industry. Fish waste utilization: AK is inviting discussions with Iceland, a nation with growing success in collaboration between fisheries and other products that use wastes...Cosmetics, nutraceuticals, fish leather, for ex.

AK Marine Highway: Captain Falvey gave a run down on the ferry replacement schedule. Stated that the Malaspina or the Taku will be “killed” after the 2 280 ft. day boats go online (2015) Senator Stedman warned that unless we put \$50 million + into a sinking fund, we will not have \$ to replace the ferries.

LNG: Considerable time spent discussing LNG. Governor Parnell argues that rural AK will be served through a distribution system...that coastal communities will be connected with infrastructure to receive LNG produced in AK. Senator Stedman and the industry seemed to dispute the ease with the Governor claims this will be done. LNG does not seem to be in our immediate future (this generation).

Energy: SEC is focused on energy issues...energy issues are tied constantly to economic development. A new nonprofit corporation: **Lynn Canal Transmission Corporation** was introduced at the conference. This is an initiative of AP&T and involves a phased plan to bring electrical power from Juneau to Kensington, then in phase 2, from Kensington to Haines & Skagway. Write [Jason@APTAlaska.net](mailto:Jason@APTAlaska.net). It was also announced that Juneau is out of power!



419 6th Street  
Juneau, AK 99801  
Telephone: 907.463.6192  
Fax: 907.586.9018  
[www.ccsjuneau.org](http://www.ccsjuneau.org)

March 10, 2014

Ms. Stephanie Scott, Mayor  
Haines Borough  
PO Box 1209  
Haines, AK 99827

Dear Stephanie,

I am sending this letter to request support from the Haines Borough for continued funding of Haines Senior Center services. The nutrition and transportation services provided through the Senior Center contribute to the economic development of the community.

Haines has one of the fastest growing senior citizen populations in the country, with seniors ages 65 and older making up 15% of the population. Senior citizens spend their resources, whether Social Security, Medicare health care dollars, Permanent Fund Dividends, Senior Benefits, Public Assistance, or retirement income, on a broad range of local goods and services. Their stable, year-round spending has an economic multiplier impact which results in job creation and income generation that expands the size of the economy.

Services provided through the Haines Senior Center promote the health, safety, and independent living of local seniors and prevent them from leaving the community for hospitalization and nursing home placement. Hot, nutritious meals and socialization at the Senior Center helps senior citizens stay vibrant. Home delivered meals for homebound seniors additionally provide a daily safety check and a friendly visitor to reduce isolation and lift spirits. The door-to-door transportation services serve as a lifeline for local seniors and people with disabilities, giving them access to community resources.

I urge your continued support of these critical services. Attached is further information about the Senior Center and how it contributes to the community. Please contact me at (907)463-6153 or [marsha.partlow@ccsjuneau.org](mailto:marsha.partlow@ccsjuneau.org) if you would like further information or have questions or concerns.

Sincerely,   
Marsha Partlow, NTS Coordinator

CC: Anne Hanssen  
Cindy Jackson



## Haines Senior Center

### I. Purpose

- 1) The mission of the Haines Senior Center is to provide a range of services that will help seniors ages 60 and over remain in their own home and community for as long as possible.
- 2) In FY 13, the Haines Senior Center provided 6,312 meals to 156 seniors. It provided 3,557 rides to 57 seniors and persons with disabilities. According to the 2010 census, there are approximately 375 seniors over the age of 65 (15%) residing in Haines. Of those about 40% used the services of the senior center in FY 13.
- 3) The Haines Senior Center Transportation program has the only lift-equipped vehicles in Haines. Without this service, passengers in wheelchairs would be unable to get to the clinic or the ferry terminal for medically-related travel.
- 4) Staff assists seniors with many types of services and information above and beyond meals and rides. Staff assists seniors with applications and forms, including printing documents from the internet. There are many activities happening at the center that improve the health and well-being of the senior population, for example, there is a coffee klatch each week. There are also exercise classes, talks on health and nutrition and lots of nutrition handouts.

### II. Seniors and the Haines Senior Center give back to the community

- 1) Seniors provide a strong economic base in our small Southeast communities. Services which allow local seniors to remain in Haines are vital to the city's economy. The Haines senior population is one of the fastest growing in the nation, and is a stable, year-round industry, strengthening the local economy.
- 2) Seniors contribute more than \$10,000 a year in meal and ride donations to support the Senior Center.
- 3) The Haines Senior Center brings in over \$111,000 to the community from State of Alaska revenues. We make a conscious choice to shop locally to keep the dollars circulating in Haines.
- 4) Haines Senior Center staff wages turn over 3-6 times within the community. Gross wages are around \$80,000.
- 5) It takes every dollar of the annual budget to maintain the program for 4 days a week. Even though the approximately \$6,000 contributed by the Borough is a small percentage of the current annual FY 14 budget, it is very important. Without it, it would not be possible to provide a full 52 weeks of meal and ride service. If we have to close the program for a couple of weeks due to lack of

funding, it would have a significant effect. We have a wheelchair homebound resident that would not receive any home delivered meals. He would be unable to make his weekly doctor's appointment. On average, we serve 20 seniors per day 4 times in a week so these would not receive a nutritious meal. Without transportation, many seniors would be unable to get to the grocery store, the clinic, or the post office.

- 6) For many years Southeast Senior Services has collaborated with the Borough to successfully apply for Capital Appropriations funding to improve the Haines Community Center which houses the Haines Senior Center but is also used for other community events. These grants have allowed the Borough to repair the roof, replace the portico, construct a silo, purchase a pellet stove, and this year Southeast Senior Services has recently submitted a grant to complete weatherization of the building.
- 7) Last year an additional Capital Budget grant request resulted in a new state of the art commercial dishwasher for the center.
- 8) Southeast Senior Services has successfully written Department of Transportation grants to obtain a mini-fleet of two ADA approved, lift-equipped vehicles as well as grants to provide after-hours transportation to seniors and persons with disabilities. These vehicles cost approximately \$65,000 each and are usually auctioned off in the community when a replacement vehicle becomes available. Funds from the sale go back into supporting the Senior Center.

3/10/14 Marsha Partlow  
NTS Coordinator, Southeast Senior Services

Michelle Webb

---

**Subject:** FW: One last push on HB77

**From:** Shelly Wright <[shellyw@seconference.org](mailto:shellyw@seconference.org)>

**Date:** March 18, 2014 9:45:33 AM AKDT

**To:** undisclosed-recipients;

**Subject: One last push on HB77**

Dear Southeast Conference Member;

As was discussed at the Mid Session Summit HB77 includes provisions which do encourage public input and make the processes we deal with in resource development more effective, efficient, and predictable.

You can keep your comments short and sweet, and just say, "I support HB77" and "Thank you for your work to help Alaskan businesses." If you would like some information about the bill, below are talking points we put together after our review of the bill.

**Senator Click Bishop** ([907-465-2327](tel:907-465-2327) or [800-336-7383](tel:800-336-7383)) [Sen.Click.Bishop@akleg.gov](mailto:Sen.Click.Bishop@akleg.gov)

**Senator Fred Dyson** ([907-465-2199](tel:907-465-2199) or [800-342-2199](tel:800-342-2199)) [Sen.Fred.Dyson@akleg.gov](mailto:Sen.Fred.Dyson@akleg.gov)

**Senator Anna Fairclough** ([907-465-3777](tel:907-465-3777) or [800-861-5688](tel:800-861-5688)) [Sen.Anna.Fairclough@akleg.gov](mailto:Sen.Anna.Fairclough@akleg.gov)

**Senator Hollis French** ([907-465-3892](tel:907-465-3892) or [866-465-3892](tel:866-465-3892)) [Sen.Hollis.French@akleg.gov](mailto:Sen.Hollis.French@akleg.gov)

**Senator Cathy Giessel** ([907-465-4843](tel:907-465-4843) or [800-892-4843](tel:800-892-4843)) [Sen.Cathy.Giessel@akleg.gov](mailto:Sen.Cathy.Giessel@akleg.gov)

**Senator Lesil McGuire** ([907-465-2995](tel:907-465-2995) or [800-365-2995](tel:800-365-2995)) [Sen.Lesil.McGuire@akleg.gov](mailto:Sen.Lesil.McGuire@akleg.gov)

**Senator Peter Micciche** ([907-465-2828](tel:907-465-2828) or [800-964-5733](tel:800-964-5733)) [Sen.Peter.Micciche@akleg.gov](mailto:Sen.Peter.Micciche@akleg.gov)

### **Misinformation about HB77**

*At last week's hearings, Legislative Information Offices around the State and in the committee room in Juneau were packed with anti-development groups that claimed this bill silences Alaskans, violates human rights, and more. NOTHING in HB77 does those things.*

*We are in receipt of emails that were circulated Friday, March 7 encouraging citizens to testify against this "bad bill," yet the Committee Substitute was first released to the public on Monday, March 10. How could one know if a bill is good or bad without reading it first? If these groups are willing to assume a bill is bad without reading its true details, what are their intentions? It is no wonder that the vast majority of those who testified against HB77 were misinformed about what is in HB77.*

*HB77 does NOT cut Alaskans out of public process. In fact, it strengthens the ability for the public to participate.*

*HB77 does not give the DNR Commissioner excessive authority.*

*HB77 does NOT put salmon or the environment in jeopardy.*

*HB77 does NOT harm the traditional way of life.*

### **What DOES HB77 do?**

*HB77 is simply a permitting efficiency measure. The State of Alaska and its permitting agencies have undergone review since 2011 to examine their regulatory processes and determine ways to make them more efficient. These efforts included outreach to stakeholders across Alaska, and ultimately resulted in Legislation that allowed the agencies to implement changes to make permitting in Alaska more efficient, predictable, and timely while maintaining their mission of protecting the environment.*

*HB77 implements changes that will provide certainty and timely response to Alaskans that obtain permits, while maintaining efficiently run state agencies. In these times of trimming the state budget, ensuring that state agencies are able to efficiently issue and manage permits, thus keeping down the cost and time expended, is crucial.*

*Thanks to special appropriations by the Legislature, DNR is making positive progress on a substantial permit application backlog. The funding has helped reduce the extent of the backlog, but efficiency measures in HB77 help address the cause of the backlogs moving forward.*

*HB77 provides for the issuance of general permits, so that minor projects can be permitted practically. Section 1 of HB77 makes it clear there is a requirement for public notice and provides opportunity for public input on any general permit. General permits would cover activities that are already authorized for permit under existing statute. General permits are not unprecedented; in fact, they are used by Federal agencies currently.*

*HB77 requires that appeals to sales, leases, and land disposals can be done only by those who are directly and negatively impacted by the decision. This brings accountability to the appeals process, ensuring that appeals must be brought only when a directly involved stakeholder is adversely affected by a decision, rather than a special interest attempting to block permits.*

*HB77 ensures that Alaska's water resources are managed by those who are best equipped to do so: the science-based expertise of our state resource agencies.*

*Shelly Wright, Executive Director*

Southeast Conference  
P.O. Box 21989  
Juneau, Alaska 99802  
Website [www.seconference.org](http://www.seconference.org)  
[907.586.4351](tel:907.586.4351) Phone [907.463.5670](tel:907.463.5670) Fax

*Southeast Conference is the State-designated Alaska Regional Development Organization (ARDOR) and the Federally-designated Economic Development District (EDD) for Southeast Alaska.*

**Memorandum**

Haines Borough  
Office of the Mayor  
103 Third Avenue S.  
Haines, Alaska 99827  
sscott@haines.ak.us  
Voice (907) 766-2231 ext. 30

March 19, 2014

To: Haines Borough Assembly

Cc: Julie Cozzi, Interim Manager  
Michelle Webb, Interim Clerk;

From: Stephanie Scott, Mayor, Haines Borough

Subject: Request from Representative Kreiss-Tomkins for "marching orders"  
re House Bill 368

In November, 2013, the Upper Lynn Canal Fish and Game Advisory Council requested Alaska Department of Fish and Game Commissioner Cora Campbell end the reciprocal agreement with the Yukon for sport fishing and king salmon tag licenses. The Advisory Committee based its request on concern for lost revenue to the state (\$ 200-350,00 annually) and the current economic conditions in the Yukon. Please see the attached letter from the Advisory Committee.

In December, 2013, Commissioner Campbell denied the petition to rescind the resident fee license agreement for the reasons stated in the attached letter. Her summary states,

"I've found that the lost revenue to ADF&G for this regulation meets legislative intent, this agreement has not lead to a substantive increase in Yukon resident participation in Southeast Alaska fisheries, and repealing this regulation may have a negative economic impact on local communities."

Representative Kreiss-Tomkins filed House Bill 368 in late February to preserve the option to address the Upper Lynn Canal Advisory Committee's request to end the reciprocal agreement with the Yukon for sport fishing and king salmon tag licenses.

Rep. JKT writes: "Whatever the Haines Borough wants is what I want. I introduced the bill because there's a deadline to file legislation (in late Feb.) and wanted to preserve the option for future action. I found the Advisory Committee's letter compelling – enough to get the bill drafted – but this is your call; I'm here to take marching orders!" (March 18 email to Assembly members).

House Bill 368 would repeal the following statutory text (the Bill itself is attached):

If the commissioner determines that residents of the state are entitled to obtain licenses for sport fishing, including sport fishing for anadromous king salmon, in Yukon, Canada, for the same fees that are charged to residents of Yukon for comparable sport fishing licenses, the commissioner may adopt regulations authorizing residents of Yukon to receive:

(1) nonresident annual sport fishing licenses for the fees charged to residents under (a) and (j) of this section for a resident sport fishing license; and

(2) nonresident anadromous king salmon annual tags for the fee charged to residents under (a) of this section for a resident anadromous king salmon tag.

For the record, I am including all the correspondence that I am privy to regarding this matter: letter of support for Commissioner Campbell's position from the Haines Borough Tourism Advisory Board; letter of protest from Marlena Saupe.

Representative Kreiss-Tomkins is asking for your advice regarding action on House Bill 368. Do you wish him to move forward with this legislation or not?

Attachments:

- November 13 Letter from the Upper Lynn Canal Fish & Game Advisory Board to Commissioner Campbell
- December 12 2013 Letter to Tim McDonough, Chairman of the Upper Lynn Canal Fish & Game Advisory Committee from ADF&G Commissioner Cora Campbell
- House Bill 368
- February 28, 2014 email to Commissioner Campbell from the Haines Borough Tourism Advisory Board
- Letter to Rep. JKT from Marlena Saupe

Commissioner Cora Campbell  
1255 West 8<sup>th</sup> St.  
PO Box 25526  
Juneau, AK 99802-5526

November 9, 2013

We, Haines Fish and Game Advisory Committee, request that the Yukon/Alaska resident reciprocal fishing license regulation be discontinued for the following reasons:

1. the economics of the Yukon were different in 2004 when the bill was passed compared to today
2. estimated lost revenues to ADFG are between \$200,000 and \$350,000 per year

The statute reads, "If the commissioner determines that residents of the state are entitled to obtain licenses for sport fishing, including sport fishing for anadromous king salmon, in Yukon, Canada, for the same fees that are charged to residents of Yukon for comparable sport fishing licenses, the commissioner may adopt regulations authorizing residents of Yukon to receive:

- (1) nonresident annual sport fishing licenses for the fees charged to residents under (a) and (j) of this section for a resident sport fishing license; and
- (2) nonresident anadromous king salmon annual tags for the fee charged to residents under (a) of this section for a resident anadromous king salmon tag.

In 2004 when Senator Fred Dyson introduced the reciprocal license he argued that, "The people and government of Yukon Territory are going through challenging times with a decreasing population of approximately 30,000 people and a stifled economy." In 2013 the Yukon is not experiencing a stifled economy, the population is increasing, and the Canadian dollar is roughly equivalent to the US dollar while in 2004 the Canadian dollar was only worth 72 cents.

Sincerely,



Tim McDonough

Chairperson Upper Lynn Canal Fish and Game Advisory Committee

RECEIVED

NOV 14 2013

DEPT. OF FISH & GAME  
COMMISSIONER'S OFFICE

Tim McDonough  
WLC-AC  
Box 951  
Haines AK 99827



HONOLULU HI 968  
07 NOV 2013 PM 2 L

Commissioner Cora Campbell  
1255 West 8th St.  
PO Box 25526  
Juneau, AK 99802-5526

99802552626



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

**Department of Fish and Game**

OFFICE OF THE COMMISSIONER

1255 West 8th Street  
P.O. Box 115526  
Juneau, Alaska 99811-5526  
Main: 907.465.4100  
Fax: 907.465.2332

December 12, 2013

Mr. Tim McDonough, Chairman  
Upper Lynn Canal Fish and Game Advisory Committee  
Box 951  
Haines, AK 99827

Re: Letter requesting rescinding the Yukon Territories reduced fee license #130196

Dear Mr. McDonough:

I received your letter dated November 9, 2013, sent as chairman of the Upper Lynn Canal Fish and Game Advisory Committee, asking that the Yukon/Alaska resident reciprocal fishing license regulation be discontinued. I understand you to be referring to 5 AAC 75.007 (reciprocal sport fishing license program for residents of Yukon Territory), and understand your request to be a petition that the Alaska Department of Fish and Game (ADF&G) repeal this regulation, as provided for in the Administrative Procedure Act at AS 44.62.220. I have considered your petition in accordance with the APA procedures, bearing in mind its effects to the department, local fisheries, and local economies.

As you are aware, this arrangement has been in place since 2005. The measure, SB 56 sponsored by Senator Dyson, was introduced as part of a larger cooperative effort to work together with the Yukon on railroad, gas line, and tourism initiatives. Based on meeting minutes from the Senate and House Resource Committees, the Yukon parliament had recently passed legislation to allow Alaska residents to purchase a fishing license at a resident rate. The bill was supported not only by the Yukon, but also by Alaska State Chamber of Commerce.

Your letter cited estimated lost revenues to ADF&G from anglers receiving a license as a primary reason for discontinuing this opportunity. Our current assessment suggests that the foregone annual revenue from license and king salmon tags to ADF&G is approximately \$50,000 dollars per year, rather than the estimate provided in your letter of \$200,000 to \$350,000 per year.

During the 2003 legislative hearings, ADF&G made the committee aware of public policy and fiscal concerns the bill presented. The loss in revenue to ADF&G due to the reduced license

charge to residents of the Yukon was then estimated at \$55,800. The committees acknowledged this concern, but members also spoke to economic benefits to the communities and the state outweighing those concerns. Our current cost assessment (approximately \$50,000) is in line with the estimate discussed and deemed acceptable by the legislature in 2004.

During the 2003 committee hearings, ADF&G presented information that showed 2,700 residents of the Yukon had purchased Alaska non-resident sport fishing licenses. From 2005 to 2012, approximately 2,200 licenses were sold to Yukon residents annually. Number of licenses sold does not directly correlate to the number of individual Yukon residents that participate in Alaskan fisheries because multiple types of non-resident licenses - 1-day, 3-day, annual, etc. - are available and may be purchased by individuals. However, the number of licenses sold since 2005 does not indicate a substantive increase in Yukon resident participation in Southeast Alaska, including upper Lynn Canal.

Additionally, I understand that there is support for the reciprocal license among the communities of Haines and Skagway for economic reasons, and that repeal of the licensing regulation may hurt, as opposed to help, tourism in the Upper Lynn Canal area.

In summary, I've found that the lost revenue to ADF&G for this regulation meets legislative intent, this agreement has not lead to a substantive increase in Yukon resident participation in Southeast Alaska fisheries, and repealing this regulation may have a negative economic impact on local communities. Therefore, your petition to rescind the resident fee license agreement is denied. If you wish to pursue this matter further, you have the option of contacting your local legislators to discuss whether there is interest in modifying the statute.

If there is assistance that ADF&G may be able to provide as suggested by the committee or members of the community, please consider this an invitation to contact regional fisheries staff in our Douglas office at 465-4270.

Sincerely,



Cora Campbell  
Commissioner

**HOUSE BILL NO. 368**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVES KREISS-TOMKINS, Tuck**

**Introduced: 2/26/14**

**Referred: House Special Committee on Fisheries, Resources**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act repealing the authority of the commissioner of fish and game to adopt**  
2 **regulations permitting residents of Yukon, Canada, to receive fishing licenses and**  
3 **anadromous king salmon tags for the same fees charged to Alaska residents."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 **\* Section 1.** AS 16.05.340(i) is repealed.

**From:** Barbara <[bj@takshanuktrail.com](mailto:bj@takshanuktrail.com)>  
**Date:** February 28, 2014, 11:50:49 AM AKST  
**To:** <[dfg.commissioner@alaska.gov](mailto:dfg.commissioner@alaska.gov)>  
**Cc:** Stephanie Scott <[mayor\\_scott@haines.ak.us](mailto:mayor_scott@haines.ak.us)>, Tanya Carlson  
<[tcarlson@haines.ak.us](mailto:tcarlson@haines.ak.us)>  
**Subject: Letter of Support for Recent Action**

Dear Commissioner Campbell,

The Haines Tourism Advisory Board met Monday and voted unanimously to write this letter of support and thanks for your denial to the Upper Lynn Canal Fish and Game Advisory Committee for their request to end the reciprocal fishing license program with Canada. Haines depends on our Yukon neighbors to help support and sustain our economy. The reciprocal fishing license program is a gesture welcoming them, not only to our country, but to our community and state. Most visitors from the Yukon spend multiple weekends here in the summer, and some, weeks. These visitors purchase fuel, accommodations, groceries, and souvenirs in our locally owned shops. The economy in Haines is struggling and we depend on our regional visitors to sustain us through the tough winters.

We realize this letter is somewhat delayed, but please know your consideration of our community has not gone unnoticed.

Thank you again for your service to our great state!

Sincerely,

Barbara J. Mulford,  
Chair, Haines Tourism Advisory Board

Rep Jonathan and Eli,

ADF&G's estimate of revenue lost is flawed. I believe the dollar amounts in lost revenue are much higher because the ADF&G's percentages are based on fishing licenses sold on a 2000-2004 Yukon economy (65 Canadian cents to one US dollar) which does not give reliable statistical information for years 2005 to 2013. These statistics are based on percentages that are more than 10 to 14 years old. I worked ADF&G figures and my thoughts are, "Why do we pass a bill that decreases ADF&G revenue of \$101,405.00 a year (based on 10 to 14 year old statistics) to \$59,136.00?" This law benefits Canadian citizens and does not benefit US citizens and decreases the revenue of the ADF&G. Why are we giving our resources away at reduced prices and why do we allow ADF&G to continually lose revenue each year.

The reciprocal fishing law that was passed is also flawed based on the argument in the introduction of the bill and passage of the bill ten years ago. The argument for passage of this bill in 2004 was that the people of the Yukon were struggling economically at the time and we needed to give them a hand. In 2000 to 2004, the Canadian dollar was 65 cents to the US dollar. According to the exchange rate now (based on the Bank of Canada), the Canadian dollar is par and above par with the US dollar and has been for the past 5 years. The Canadian dollar is worth more than the US dollar, yet this law allows Yukon residents to purchase a sport fishing license and a king stamp for the same fee an Alaska resident pays. Why? Yukon residents are no longer struggling financially. Whitehorse, according to their newspaper, has the fastest growing economy in Canada due to tourism, mining and new construction.

Helping our Yukon neighbors could have been a temporary fix until they were back on their feet and should never have become a permanent Alaska State law. Our Yukon neighbors don't need the helping hand anymore and they should be gratefully paying the non-resident sport fishing and king stamp fees for our Alaska resources. If this law is repealed, Yukon residents will continue to fish as their economy is booming and they can well afford the non-resident fees for a sport fishing license and king stamp.

How often do Yukon fishermen come to Haines? Around the first of May when the Chilkat River, Chilkoot River and Chilkoot Lake begins to thaw, they come to fish for Dolly Varden. They continue to come and fish for King salmon during the month of May. In June, July and August they come to fish for sockeye, pinks, Chums and Dolly Varden. In May, June, July, August, September and October Yukon residents set pots for crab and shrimp in Lutak Inlet, Chilkat Inlet, Portage Cove Tsainke Harbor and Katzahin Flats and in front of my house. As late as November, Yukoners are setting shrimp pots in Lutak inlet. During July, August and September, they come and fish for halibut. During the summer when we are out on our boat fishing for halibut, 3 out of the 5 boats fishing around us are Yukon licensed boats.

In September and October they come and fish for Silver salmon. In October, during the 3 day Canadian Thanksgiving, along the Haines Hwy, 43 (plus) motor homes and campers are camped along the side of the road by the Chilkat River where they line the shores fishing for Silvers. Also during that weekend on the Chilkoot Lake and on the Chilkoot River, the campground and lake is overflowing with campers who are fishing for silver salmon. The road to the lake is lined with Yukon vehicles parked on both sides of the road. They park in the ditches by the bridge and fish in the river.

The Chilkoot River looks like a Russian River scene on the Kenai with fisherman standing on the banks elbow to elbow fishing. According to a fish and game employee of the Yukon (he was present at the Fisheries Advisory Board), they also fish in Valdez, Homer, Hoonah, and the Kenai. His concern was that it would be too expensive for families to fish. Not so. Young people 16 yrs of age and under fish for FREE.

In Lutak Inlet, there is an RV park a mile from Chilkoot Lake. Yukon residents are camped in the 13 campsites from May until October and they FISH! One resident sets shrimp pots every weekend. Some are permanent RV'ers and stay all summer.

I live on Lutak Inlet at Mile 8 and have witnessed the increasing numbers of Yukon fisherman at Chilkoot Lake and Chilkoot River every year since the change in the law in 2005. I walk or drive to the river and lake almost every day and every day there are Yukon people fishing. There is no room for locals to fish.

So, how often do they come to Haines? They come every weekend, during the week, Canadian holidays, their vacations, and every day from May through October to fish.

They bring generators to run their freezers to freeze their catch. They limit out, clean their fish, then freeze it. They go back out same day and fish some more. Under Alaska law, once a fish has been processed and frozen, it is no longer considered your limit for the day. I've seen them fill their freezers with plenty of salmon and crab and shrimp.

Yukon fisherman are fishing the Chilkoot Lake, , on the Chilkat River from Mile 4 to 35 miles from town in the Kelsall, on the Klehini River, by the Wells Bridge on the Chilkat River (24 miles from town) every fishing hole from the Chilkoot River on Lutak and up the Haines Hwy 35 miles from the town of Haines. My husband and I have encountered Yukon fisherman fishing in sloughs (Chilkat River) while we're hunting for moose in September/October.

The economy in the Yukon has changed and the way the Yukon residents fish has changed since this bill became law in 2005. Before the law, they were here fishing by rod and reel. Now they come in motor homes and campers and bring their fresh water boats and saltwater boats to fish. They also set crab pots and shrimp pots.

In 2013, there were 2507 sport fishing licenses sold and 719 king stamps sold to Yukon residents. Haines has a population of 2300. It makes it difficult for the people of Haines to subsistence fish as the Yukon fisherman are here every day. If the Yukon residents were paying non-resident fees, they might only come on the weekends and not every day during May through October. This would take the pressure off our resources and locals would have more of an opportunity to fish in their community and ADF&G would not have their revenue reduced every year.

**Alaska constitution requires that “Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use.”**

Is this reciprocal law unconstitutional? We're treating non-residents who are citizens of a foreign country the same as Alaska residents by giving them a sport fishing license/king stamp for the same fee an Alaska resident pays.

These are numbers that I calculated based on ADF&G percentages (that were given to you) from 2000-2004 years. I used 2012 years sport fishing licenses numbers sold.

Annual	8.6%	X	2464	=	211	X	\$145	=	\$30,740
1 Day	33.7%	X	2464	=	830	X	\$20	=	\$16,600
3 Day	49.0%	X	2464	=	1207	X	\$35	=	\$42,245
7 Day	8.6%	X	2464	=	212	X	\$55	=	\$11,660
14 Day	<u>0.1%</u>	X	2464	=	<u>2</u>	X	\$80	=	<u>\$160</u>
100%			2462						<b>\$101,405.00</b>

$$2462 \times \$24 = \underline{\$59,136.00}$$

\$42,269.00 revenue lost

2005 to 2012 ADF&G should have received \$822,240.00

Revenue lost 2005 to 2012 \$338,152.00

Yukon residents will continue to come and fish. We have 5 species of wild salmon that they can fish for and the rivers and lakes are road accessible. Their economy is better than it was before the law became effective. Now, their dollar buys much more than it did in 2004.

I hope other representatives in the legislature will see that ADF&G is losing revenue each year because of this law. Can ADF&G afford to continually lose revenue? ADF&G's vision is to protect our resources and because of this law our resources are being pressured. AND is this law unconstitutional???

I've rambled on enough. Thanks again, for all your work on this law and looking into repealing it.

Marlena Saupe  
Haines, AK